

**STATE OF MAINE**  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND  
NATURAL RESOURCES**

July 2011

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## *Joint Standing Committee on Environment and Natural Resources*

### **LD 49      An Act To Allow Storage of Lobster Traps on Docks**

**PUBLIC 12**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE TRAHAN	OTP-AM	H-10

This bill removes the Department of Environmental Protection's authority, under the Natural Resources Protection Act, to regulate lobster trap storage on docks.

#### **Committee Amendment "A" (H-10)**

This amendment moves the provisions in the bill to the section of law related to exemptions to the permitting requirements of the Natural Resources Protection Act. The amendment provides that a Natural Resources Protection Act permit is not required for the storage of lobster traps and related trap lines, buoys and bait bags on a dock. It also clarifies the definition of "dock."

#### **Enacted Law Summary**

Public Law 2011, chapter 12 provides that a Natural Resources Protection Act permit is not required for the storage of lobster traps and related trap lines, buoys and bait bags on a dock.

### **LD 132      Resolve, Directing the Department of Environmental Protection To Convene a Task Force To Develop Initiatives To Reduce Unnecessary Packaging**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS	ONTP	

This resolve directs the Department of Environmental Protection to convene a task force to develop initiatives designed to reduce unnecessary packaging and to report to the Joint Standing Committee on Environment and Natural Resources by January 15, 2012.

### **LD 154      An Act To Change the Classification of the Lower Androscoggin River**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	ONTP	

This bill changes from Class C to Class B the classification of the lower Androscoggin River from the Worumbo Dam in Lisbon Falls to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay.

## ***Joint Standing Committee on Environment and Natural Resources***

**LD 156      An Act To Clarify the Regulation of Impacts to Significant Vernal Pool      ONTP**  
**Habitats under the Natural Resources Protection Act**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	ONTP	

This bill clarifies that a landowner proposing to cause an impact to a significant vernal pool habitat is not subject to regulation pursuant to the Department of Environmental Protection's vernal pool rules if the significant vernal pool habitat depression is not on property owned or controlled by that landowner. This bill also clarifies that, when a vernal pool habitat has not previously been determined to be significant and the Department of Environmental Protection or the Department of Inland Fisheries and Wildlife makes a determination as to its significance, the vernal pool habitat is considered to be not significant if it is located in southern Maine and dries out after spring filling and before July 15th or if it is located in northern Maine and dries out after spring filling and before July 31st.

**LD 159      An Act To Foster Economic Development by Improving Administration      PUBLIC 359**  
**of the Laws Governing Site Location of Development and Storm Water**  
**Management**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-139

This bill revises the thresholds for review by the Department of Environmental Protection pursuant to the laws governing site location of development by changing the definitions of "subdivision" and "structure." It ensures consistency between the laws governing site location of development and the Natural Resources Protection Act in standards pertaining to a development's effects on existing uses, scenic character and protected natural resources. The bill also provides that rules adopted by the department after January 1, 2010 pursuant to the laws governing site location of development and storm water management are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, with certain limited exceptions in the rules governing storm water management for minor clerical corrections and technical clarifications.

### **Committee Amendment "A" (S-139)**

This amendment:

1. Exempts trail management activities from review under the laws governing storm water management on snowmobile trails developed as part of the Maine Trails System under the Maine Revised Statutes, Title 12, section 1892;
2. Retains the provision in the bill that provides that rules adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing storm water management are major substantive rules, with certain limited exceptions for minor clerical corrections and technical clarifications;
3. Narrows the provision in the bill that proposes to create consistency between the laws governing site location of development and the Natural Resources Protection Act in standards pertaining to a development's effects on existing uses, scenic character and protected natural resources. The amendment requires the Department of Environmental Protection to apply the standards adopted in rule pursuant to the Natural Resources Protection Act for significant

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vernal pool habitat to significant vernal pool habitat reviewed under the laws governing the site location of development. It prohibits the department from requiring a buffer strip adjacent to significant vernal pool habitat under the laws governing site location of development unless the buffer strip is established for another protected natural resource;

4. Retains the provision in the bill that provides that rules related to standards for development adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing site location of development are major substantive rules, except for standards for blasting and wind energy development or offshore wind power projects;

5. Directs the Department of Environmental Protection to adopt rules to allow activities in, on or over high and moderate value waterfowl and wading bird habitat to be eligible for permit by rule under the Natural Resources Protection Act;

6. Authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to high and moderate value waterfowl and wading bird habitat to the Second Regular Session of the 125th Legislature; and

7. Strikes the provisions in the bill that revise the thresholds for review by the Department of Environmental Protection pursuant to the laws governing site location of development.

### **Enacted Law Summary**

Public Law 2011, chapter 359:

1. Exempts trail management activities from review under the laws governing storm water management on snowmobile trails developed as part of the Maine Trails System under the Maine Revised Statutes, Title 12, section 1892;

2. Provides that rules adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing storm water management are major substantive rules, with certain limited exceptions for minor clerical corrections and technical clarifications;

3. Requires the Department of Environmental Protection to apply the standards adopted in rule pursuant to the Natural Resources Protection Act for significant vernal pool habitat to significant vernal pool habitat reviewed under the laws governing the site location of development. It prohibits the department from requiring a buffer strip adjacent to significant vernal pool habitat under the laws governing site location of development unless the buffer strip is established for another protected natural resource;

4. Provides that rules related to standards for development adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing site location of development are major substantive rules, except for standards for blasting and wind energy development or offshore wind power projects;

5. Directs the Department of Environmental Protection to adopt rules to allow activities in, on or over high and moderate value waterfowl and wading bird habitat to be eligible for permit by rule under the Natural Resources Protection Act; and

6. Authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to high and moderate value waterfowl and wading bird habitat to the Second Regular Session of the 125th Legislature.

***Joint Standing Committee on Environment and Natural Resources***

**LD 180      Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules      RESOLVE 43  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE JACKSON	OTP	

This resolve requires that rules governing the management of landfill gas and odors at solid waste facilities adopted by the Department of Environmental Protection, Board of Environmental Protection pursuant to Resolve 2007, chapter 170 are major substantive rules rather than routine technical rules.

**Enacted Law Summary**

Resolve 2011, chapter 43 requires that rules governing the management of landfill gas and odors at solid waste facilities adopted by the Department of Environmental Protection, Board of Environmental Protection pursuant to Resolve 2007, chapter 170 are major substantive rules rather than routine technical rules.

Resolve 2011, chapter 43 was finally passed as an emergency measure effective May 23, 2011.

**LD 219      An Act To Amend the Laws Governing Shoreland Zoning      MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP   MAJ OTP-AM   MIN	

This bill reduces the width of land that is subject to shoreland zoning and land use controls from 250 feet to 75 feet from the normal high-water line or upland edge of any body of water, river or wetland. A municipal ordinance regarding shoreland zoning in effect on January 1, 2011 is considered valid and remains in effect until rescinded, amended or changed by that municipality.

**LD 240      An Act To Allow the Removal of Gravel Bars in the Sandy River      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SAVIELLO	ONTP	

This bill allows the removal or displacement of point gravel bars from the Sandy River in the Town of Farmington without a Natural Resources Protection Act permit from the Department of Environmental Protection.

***Joint Standing Committee on Environment and Natural Resources***

**LD 245      An Act To Amend the Laws Governing Waste Processing**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CELLI	ONTP	

This bill requires that solid waste disposal facilities licensed in the State be licensed to only accept waste generated within the State and clarifies that waste generated within the State does not include waste that has its origin outside the State and was transported to another location within the State prior to being transported to the facility.

**LD 252      An Act To Amend the Laws Governing Aquatic Nuisance Species**

**PUBLIC 47**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE KATZ	OTP-AM	H-66

This bill broadens the definition of "aquatic plant" in the laws governing the control of aquatic nuisance species. It also provides that a vacancy of a public position on the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species may be filled by a person who does not represent a particular constituency if after 6 months of a vacancy on the task force the Governor cannot fill that vacancy. It requires the Department of Inland Fisheries and Wildlife, in consultation with the Department of Environmental Protection, to report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2012 concerning issues related to the control of invasive aquatic species, including but not limited to the use of felt-soled waders and the spread of invasive aquatic species.

**Committee Amendment "A" (H-66)**

This amendment adds a provision that if the Governor cannot fill a vacancy identified in law, the vacancy may be filled by a member who has demonstrated experience or interest in the area of threats to fish and wildlife posed by invasive aquatic plants and nuisance species. The amendment also strikes a reporting requirement.

**Enacted Law Summary**

Public Law 2011, chapter 47 broadens the definition of "aquatic plant" in the laws governing the control of aquatic nuisance species. It also provides that a vacancy of a public position on the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species may be filled by a person who does not represent a particular constituency but who has demonstrated experience or interest in the area of threats to fish and wildlife posed by invasive aquatic plants and nuisance species if after 6 months of a vacancy on the task force the Governor cannot fill that vacancy.

**LD 253      Resolve, To Establish a Single Construction Permit for Certain Aboveground Oil Storage Tanks in Gravel Pits and Quarries**

**RESOLVE 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNAPP	OTP-AM	H-67

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This resolve requires the Department of Environmental Protection in consultation with the Office of the State Fire Marshal to establish a process for obtaining a single construction permit for aboveground oil storage tanks in gravel pits and quarries that meets the requirements of the Maine Revised Statutes, Title 25, section 2483 and Title 38, sections 490-D and 490-Z.

### **Committee Amendment "A" (H-67)**

This amendment replaces the term "gravel pits," which is a term not used in the laws implemented by the Department of Environmental Protection, with the term "excavations for borrow, clay, top soil or silt." The amendment also clarifies that the permit-by-rule process authorized by the resolve is limited to aboveground oil storage tanks used for the supply of diesel fuel.

### **Enacted Law Summary**

Resolve 2011, chapter 26 requires the Department of Environmental Protection in consultation with the Office of the State Fire Marshal to establish a permit-by-rule process for obtaining a single construction permit for aboveground oil storage tanks that are used for the supply of diesel fuel and located in excavations for borrow, clay, top soil or silt and quarries that meets the requirements of the Maine Revised Statutes, Title 25, section 2483 and Title 38, sections 490-D and 490-Z.

### **LD 256      An Act To Amend the Law Regarding Repairing a Structure in a Coastal Sand Dune System      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE SHERMAN	ONTP	

This bill allows structures located in a coastal sand dune system to be repaired in a way in which the square footage of the repaired structure does not exceed the square footage of the structure as it existed 24 months prior to the repair. Under current rules of the Department of Environmental Protection, the height, width and length of the repaired structure have to be the same as the structure as it existed 24 months prior to the repair.

### **LD 261      An Act To Eliminate Combined Sewer Overflows in Maine Waters      MAJORITY (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
OLSEN SAVIELLO	ONTP   MAJ OTP-AM   MIN	

This bill prohibits the Department of Environmental Protection from licensing combined sewer overflows.

***Joint Standing Committee on Environment and Natural Resources***

**LD 262      An Act To Expand Eligibility of Certain Municipal Landfills To  
Participate in the State's Remediation and Closure Program**

**PUBLIC 435**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P THOMAS	OTP-AM	H-30

This bill amends the closure and remediation cost-sharing program that was established in the late 1980's to help municipalities close and clean-up landfills. The bill makes the cost-sharing program applicable to municipal landfills that were originally licensed on or before September 1, 1989 and that incur closure costs before December 31, 2015. It also makes state-cost share contingent on a finding by the commissioner that the landfill is contaminating groundwater and that corrective actions have not been successful.

**Committee Amendment "A" (H-30)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2011, chapter 435 amends the closure and remediation cost-sharing program that was established in the late 1980's to help municipalities close and clean-up landfills. It makes the cost-sharing program applicable to municipal landfills that were originally licensed on or before September 1, 1989 and that incur closure costs before December 31, 2015. It also makes state-cost share contingent on a finding by the commissioner that the landfill is contaminating groundwater and that corrective actions have not been successful.

**LD 310      Resolve, Regarding Legislative Review of Portions of Chapter 232: Well  
Drillers and Pump Installers Rules, a Major Substantive Rule of the  
Maine Water Well Commission**

**RESOLVE 13  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 232: Well Drillers and Pump Installers Rules, a major substantive rule of the Maine Water Well Commission.

**Enacted Law Summary**

Resolve 2011, chapter 13 authorizes final adoption of portions of Chapter 232: Well Drillers and Pump Installers Rules, a major substantive rule of the Maine Water Well Commission.

Resolve 2011, chapter 13 was finally passed as an emergency measure effective March 31, 2011.



***Joint Standing Committee on Environment and Natural Resources***

**LD 311      An Act To Improve Harbor Safety by Clarifying Requirements for  
Maintenance Dredging Permits**

**PUBLIC 65**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM	S-30

This bill clarifies that maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for maintenance dredging in the same location within the last 10 years. This bill also provides that the amount of material to be dredged may not exceed the amount originally approved by the individual permit.

**Committee Amendment "A" (S-30)**

This amendment amends current law by removing the requirement that an individual permit or consistency determination issued by the Department of Environment Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. The amendment also amends the bill by clarifying that a permit by rule for maintenance dredging may be allowed only by renewing an individual permit for maintenance dredging. Under the amendment, an individual permit for maintenance dredging may be renewed with a permit by rule only if the area to be dredged is located in an area that was dredged within the last 10 years and the amount of material to be dredged does not exceed the amount approved by the individual permit.

**Enacted Law Summary**

Public Law 2011, chapter 65 amends the law by removing the requirement that an individual permit or consistency determination issued by the Department of Environment Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. It also provides that an individual permit for maintenance dredging may be renewed with a permit by rule only if the area to be dredged is located in an area that was dredged within the last 10 years and the amount of material to be dredged does not exceed the amount approved by the individual permit.

**LD 333      Resolve, Directing the Department of Environmental Protection To  
Evaluate and Amend Its Rules Regarding Snow Dumps**

**RESOLVE 44**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS JACKSON	OTP-AM   MAJ ONTP   MIN	H-156

This resolve directs the Department of Environmental Protection to amend its rules regarding snow dumps to exempt from the waste discharge licensing requirement any snow dump operation controlled by a municipality for the primary purpose of removing accumulated snow from public rights-of-way for the safety and convenience of the traveling public.

**Committee Amendment "A" (H-156)**

This amendment replaces the resolve. The amendment directs the Department of Environmental Protection to review and amend its rules regarding snow dumps.

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### Enacted Law Summary

Resolve 2011, chapter 44 directs the Department of Environmental Protection to review and amend its rules regarding snow dumps.

**LD 339      An Act To Prohibit Municipal Ordinances More Stringent than State Guidelines      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS		

This bill was not referred to the Joint Standing Committee on Environment and Natural Resources. This bill prohibits municipalities from adopting shoreland zoning ordinances that are more stringent than state guidelines. Under current law, municipalities are authorized to adopt ordinances that are consistent with or more stringent than minimum state guidelines.

**LD 341      An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	ONTP	

This bill exempts artificial wetlands and artificial significant vernal pool habitats from state regulation under the Natural Resources Protection Act.

**LD 379      An Act To Stop Unfunded Mandates Concerning Waste Discharge Licenses      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H	ONTP	

This bill prohibits the Department of Environmental Protection from imposing by rule any requirements that qualify as an unfunded mandate on a waste discharge licensee unless the requirement is necessary to comply with a federal regulation.

## *Joint Standing Committee on Environment and Natural Resources*

### **LD 387      An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems**

**PUBLIC 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE COLLINS	OTP-AM	H-65

This bill allows the modification of a structure in a coastal sand dune system without a permit if the structure is in an impervious area and does not violate the height restriction of an applicable law or ordinance. An impervious area is defined as an area that is covered by development.

#### **Committee Amendment "A" (H-65)**

This amendment replaces the bill. It defines "impervious area" and provides that decks and patios are not included in the definition. It defines "footprint" with respect to a building as the outline that would be created on the ground by extending the exterior walls of the building to the ground surface. It allows expansion without a permit of an existing residential or commercial building in a coastal sand dune system if the footprint of the expansion is contained within an existing impervious area and is no further seaward than the existing building; the height of the expansion is within the height restriction of any applicable law or ordinance; and the expansion conforms to the mandatory shoreland zoning law standards for expansion of a building.

#### **Enacted Law Summary**

Public Law 2011, chapter 64 allows expansion of an existing residential or commercial building in a coastal sand dune system without a Natural Resources Protection Act permit if the footprint of the expansion is contained within an existing impervious area and is no further seaward than the existing building; the height of the expansion is within the height restriction of any applicable law or ordinance; and the expansion conforms to the mandatory shoreland zoning law standards for expansion of a building.

### **LD 411      Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 27  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-61

This resolve provides for legislative review of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a major substantive rule of the Department of Environmental Protection.

#### **Committee Amendment "A" (H-61)**

This amendment authorizes the adoption of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a major substantive rule of the Department of Environmental Protection if:

1. "Cobble" and "cobble-trapping fence" are defined; and
2. A cobble-trapping fence is allowed to be in place year-round, is allowed only if the fence is landward of an existing seawall in a developed area and is not required to be placed 15 feet or less in front of a building.

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### **Enacted Law Summary**

Resolve 2011, chapter 27 authorizes the adoption of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a major substantive rule of the Department of Environmental Protection if:

1. "Cobble" and "cobble-trapping fence" are defined; and
2. A cobble-trapping fence is allowed to be in place year-round, is allowed only if the fence is landward of an existing seawall in a developed area and is not required to be placed 15 feet or less in front of a building.

Resolve 2011, chapter 27 was finally passed as an emergency measure effective April 26, 2011.

<b>LD 412</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection</b>	<b>RESOLVE 25 EMERGENCY</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a major substantive rule of the Department of Environmental Protection.

### **Enacted Law Summary**

Resolve 2011, chapter 25 authorizes final adoption of portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 25 was finally passed as an emergency measure effective April 25, 2011.

<b>LD 434</b>	<b>An Act To Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	ONTP	

This bill exempts freshwater wetlands that are created as a result of artificial or natural obstructions or barriers from regulation under the shoreland zoning laws.

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**LD 439      Resolve, To Waive the Fine That the Department of Environmental Protection Imposed on Arthur Drolet in Connection with the Removal of Underground Petroleum Storage Tanks      MAJORITY (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE JACKSON	ONTP   MAJ OTP-AM   MIN	

This resolve directs the Department of Environmental Protection to waive the fine that was imposed upon Arthur Drolet in connection with the removal of underground petroleum storage tanks.

**LD 442      An Act To Allow Year-round Placement of Cobble-trapping Fences behind Established Seawalls      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE COLLINS	ONTP	

This bill authorizes the use of cobble-trapping fences on a year-round basis and sets conditions on their use.

**LD 479      An Act To Prohibit the Burning of Construction and Demolition Debris at Municipal Landfills and Transfer Stations      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE JACKSON	ONTP	

This bill prohibits municipal solid waste landfills and transfer stations from burning construction and demolition debris.

**LD 480      Resolve, To Allow Service Stations in Maine To Use Their Inventory of Lead Wheel Weights      MAJORITY (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	ONTP   MAJ OTP   MIN	

This resolve allows a person who for compensation replaces or balances tires on motor vehicles to use and sell a wheel weight or other balancing product that contains lead or mercury that was intentionally added during the manufacture of the product if that wheel weight or other balancing product was in that person's inventory on January 1, 2011.

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**LD 484      An Act To Allow the Burning of Certain Agricultural Products in  
Outdoor Wood Boilers**

**MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE THIBODEAU	ONTP   MAJ OTP   MIN	

This bill allows the burning of hay bales and cornstalks in an outdoor wood boiler.

**LD 510      An Act To Exclude Shellfish Processing Facilities from Arsenic  
Wastewater Testing**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP	

This bill exempts shellfish processing facilities from testing and reporting requirements and discharge limits concerning arsenic.

**LD 512      An Act Regarding the Disposition of Mercury-added Lamps**

**PUBLIC 275**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM   MAJ ONTP   MIN	S-203

This bill authorizes the use of crushing devices in a mercury-added lamp recycling program. Under the bill, the owner of the crushing device must register with the Department of Environmental Protection, develop an operating manual for safely crushing mercury-added lamps, document maintenance activities, meet federal Occupational Safety and Health Administration requirements, dispose of all material crushed in the device and maintain an annual report for review by the Department of Environmental Protection, at the discretion of the department.

**Committee Amendment "A" (S-203)**

This amendment adds to the requirements in the bill for the use of crushing devices. Under this amendment, an operating manual must include procedures for operator training and procedures to address emergency situations. The amendment requires owners of crushing devices to maintain testing and monitoring data. The amendment also provides that crushing devices may be operated only in a closed system, in such a manner that any emission of mercury does not exceed 0.3 micrograms per cubic meter, and must be operated in a secure, ventilated area not accessible to the general public.

**Enacted Law Summary**

Public Law 2011, chapter 275 authorizes the use of crushing devices in a mercury-added lamp recycling program. The owner of the crushing device must register with the Department of Environmental Protection, develop an

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operating manual for safely crushing mercury-added lamps, document maintenance activities, meet federal Occupational Safety and Health Administration requirements, dispose of all material crushed in the device, maintain an annual report for review by the Department of Environmental Protection, at the discretion of the department, and maintain testing and monitoring data. Crushing devices may be operated only in a closed system, in such a manner that any emission of mercury does not exceed 0.3 micrograms per cubic meter, and must be operated in a secure, ventilated area not accessible to the general public.

### **LD 515 An Act To Review State Water Quality Standards**

**PUBLIC 194**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	S-130

This bill is a concept draft pursuant to Joint Rule 208. This bill would revise and update water quality standards utilized to establish waste discharge license parameters. This bill would also establish procedures for developing alternative state and site-specific water quality standards.

#### **Committee Amendment "A" (S-130)**

This amendment replaces the bill. The amendment allows mercury testing once per year. It establishes a new risk level for inorganic arsenic when the Department of Environmental Protection is calculating ambient water quality criteria. It provides that the department may use any unallocated assimilative capacity that the department has set aside for future growth if use of the unallocated assimilative capacity would avoid an exceedance or reasonable potential to exceed ambient water quality criteria. It provides that metals limits must be expressed as mass-based limits.

#### **Enacted Law Summary**

Public Law 2011, chapter 194 establishes a new risk level for inorganic arsenic when the Department of Environmental Protection is calculating ambient water quality criteria. It allows mercury testing once per year. It provides that the department may use any unallocated assimilative capacity that the department has set aside for future growth if use of the unallocated assimilative capacity would avoid an exceedance or reasonable potential to exceed ambient water quality criteria. It provides that metals limits must be expressed as mass-based limits.

### **LD 524 An Act To Charge a Fee for Garbage Disposal To Encourage Recycling**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLDUC	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a fee, to be collected and retained by local municipalities, to offset the costs associated with the collection and disposal of household refuse and the collection of recyclable materials at municipal landfills.

***Joint Standing Committee on Environment and Natural Resources***

**LD 552      An Act To Exclude Cupolas from the Measurement of Height for  
Structures in the Shoreland Zone**

**PUBLIC 231**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL	OTP-AM   MAJ ONTP   MIN	H-305

This bill provides that the height of a cupola, dome, widow's walk or similar feature is not included in the measurement of the height of a structure for determining compliance with limitations on the height of a structure in the shoreland zone if that cupola, dome, widow's walk or similar feature has a floor area of 100 square feet or less.

**Committee Amendment "A" (H-305)**

This amendment replaces the bill. It provides that a municipal ordinance may exempt a cupola, dome, widow's walk or similar feature added to a legally existing conforming structure if the structure is not located in a Resource Protection District or a stream protection district and the cupola, dome, widow's walk or similar feature:

1. Does not extend beyond the exterior walls of the existing structure;
2. Has a floor area of 53 square feet or less; and
3. Does not increase the height of the existing structure by more than 7 feet.

The amendment differs from the bill in that the bill proposes to authorize a cupola, dome, widow's walk or similar feature if it has a floor area of 100 square feet or less, and the bill did not provide that the structure to which the cupola, dome, widow's walk or similar feature is added must be a legally existing conforming structure.

**Enacted Law Summary**

Public Law 2011, chapter 231 provides that a municipal ordinance may exempt a cupola, dome, widow's walk or similar feature added to a legally existing conforming structure if the structure is not located in a Resource Protection District or a stream protection district and the cupola, dome, widow's walk or similar feature:

1. Does not extend beyond the exterior walls of the existing structure;
2. Has a floor area of 53 square feet or less; and
3. Does not increase the height of the existing structure by more than 7 feet.

**LD 614      An Act To Expedite the Review of Certain Maine Land Use Regulation  
Commission and Department of Environmental Protection Applications**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP	

This bill requires the Maine Land Use Regulation Commission to enter into an agreement for an outside review of an application to subdivide land if the director of the commission determines within 30 days of the application's being accepted as complete that the commission cannot complete the review within the 60-day statutory time period. The



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bill also requires the Commissioner of Environmental Protection to enter into an agreement with an outside reviewer if, at the expiration of 1/2 of the published processing time for permit and license applications, the commissioner determines that the department cannot complete the application review within the published processing time.

### **LD 615      An Act To Authorize the Rerouting of Meadow Brook into Toothaker Pond      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP	

This bill authorizes the Toothaker Pond Association to reroute Meadow Brook into Toothaker Pond in the Town of Phillips.

### **LD 666      Resolve, To Reimburse Convenience Stores on a One-time Basis for Beverage Containers      MAJORITY (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	ONTP MAJ OTP-AM MIN	

This resolve requires the State, on a one-time basis, to reimburse convenience stores the refund value of beverage containers that are not labeled as being refundable in Maine. The resolve also directs the Department of Agriculture, Food and Rural Resources to establish a process for implementing the reimbursement.

### **LD 671      An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund      PUBLIC 243**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	OTP-AM	H-274 H-314 HAMPER

This bill changes the membership of the Fund Insurance Review Board, provides the board additional powers and authorizes the board to review and approve the budget of the Ground Water Oil Clean-up Fund.

#### **Committee Amendment "A" (H-274)**

This amendment replaces the bill. The amendment changes the membership of the Fund Insurance Review Board by:

1. Decreasing from 3 to 2 the number of members representing the petroleum industry;
2. Designating membership of 2 members who have expertise in oil storage facility design and installation, oil spill remediation or environmental engineering; and

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3. Decreasing from 5 to 4 the number of public members.

The amendment also alters the duties of the review board to include reviewing Department of Environmental Protection priorities for disbursements from the Ground Water Oil Clean-up Fund and making recommendations to the Commissioner of Environmental Protection on how the fund should be allocated. The amendment also provides for the number of meetings to be held by the review board and for the annual selection of a chair. The amendment also consolidates responsibilities for hearing appeals and reporting to the Legislature in the section of law that deals with the review board. The amendment retains the provision in current law that repeals the review board on December 31, 2015. The amendment also retains the provision in the bill that provides that total disbursements from the Ground Water Oil Clean-up Fund for administrative expenses may not exceed \$2,000,000 per fiscal year.

### **House Amendment "A" To Committee Amendment "A" (H-314)**

This amendment strikes the section of Committee Amendment "A" that provides that total disbursements from the Ground Water Oil Clean-up Fund for administrative expenses may not exceed \$2,000,000 per fiscal year.

### **Enacted Law Summary**

Public Law 2011, chapter 243 changes the membership of the Fund Insurance Review Board; alters the duties of the review board to include reviewing Department of Environmental Protection priorities for disbursements from the Ground Water Oil Clean-up Fund and making recommendations to the Commissioner of Environmental Protection on how the fund should be allocated; provides for the number of meetings to be held by the review board and for the annual selection of a chair; consolidates responsibilities for hearing appeals and reporting to the Legislature in the section of law that deals with the review board; and retains the provision in current law that repeals the review board on December 31, 2015.

### **LD 680      Resolve, Directing the Commissioner of Environmental Protection To      ONTP Convene a Task Force To Study the Effect of Additives in Gasoline**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCLELLAN	ONTP	

This resolve requires the Commissioner of Environmental Protection to convene a task force to study and report to the Legislature on the effects of additives in gasoline on the environment.

### **LD 693      An Act Concerning Solid Waste Facility Citizen Advisory Committees      Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE		

This bill clarifies that a solid waste facility citizen advisory committee is to continue through the closure of the facility. It authorizes a citizen advisory committee to appeal licensing and permitting decisions and intervene in licensing and permitting proceedings if the disposition of the proceedings could impair the ability of the committee to carry out its responsibilities. It authorizes municipalities that appoint members to a citizen advisory committee to appeal licensing and permitting decisions and intervene in licensing and permitting

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proceedings. It directs the Executive Department, State Planning Office to provide financial and administrative support for citizen advisory committees. The bill also makes these provisions applicable to the citizen advisory committee established in connection with the Juniper Ridge landfill in Old Town and Alton.

### **Committee Amendment "A" (H-444)**

This amendment removes the language from the bill that clarifies that a solid waste disposal facility citizen advisory committee established in accordance with the Maine Revised Statutes, Title 38, section 2171 continues through the closure of the facility and that the committee is authorized to appeal and intervene in licensing and permitting proceedings if the disposition of the proceedings could impair the ability of the committee to carry out its responsibilities. The amendment also removes the language that requires the Executive Department, State Planning Office to provide financial and administrative support for the joint citizen advisory committee established for the Juniper Ridge Landfill in accordance with Resolve 2003, chapter 93. The amendment retains the provision in the bill that provides for impact payments to a municipality in which a state-owned solid waste disposal facility is located to provide financial and administrative support for the joint citizen advisory committee.

The bill authorizes the citizen advisory committee established in connection with the Juniper Ridge landfill to report committee findings and recommendations concerning the disposal facility to the City of Old Town and the Town of Alton; the amendment adds the authority to report to the Penobscot Nation. The bill authorizes the City of Old Town and Town of Alton to appeal a license or permit decision and intervene in proceedings relating to the facility; the amendment gives that authority to the Penobscot Nation also. The amendment also makes technical corrections and adds an appropriations and allocations section.

### **House Amendment "A" To Committee Amendment "A" (H-500)**

This amendment provides that the Executive Department, State Planning Office is not required to base its impact payments to the municipality in which a state-owned solid waste disposal facility is located on financial and administrative support for a citizen advisory committee if the operator of the facility is required to provide that support pursuant to an agreement for the operation of the facility. This amendment also strikes the appropriations and allocations section due to the change made by this amendment.

LD 693 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

### **LD 716      An Act To Improve the Recycling Rate of Mercury-added Motor Vehicle Components**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES GOODALL	LTW	

This bill clarifies that payment is required for the disposal of mercury-added motor vehicle components for motor vehicles for which a vehicle identification number or year, make and model have been provided. The bill defines the term "manufacturer." The bill also authorizes the Department of Environmental Protection to pay for the cost of collecting and recycling a manufacturer's mercury switches and seek cost recovery from the nonpaying manufacturer. The bill also authorizes the Attorney General to bring a civil action against a nonpaying manufacturer to recover the costs.

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**LD 721      An Act To Extend the Use of Underground Storage Tanks**

**PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM   MAJ ONTP   MIN	S-119 S-142   SAVIELLO

This bill provides that an underground oil storage tank for which the manufacturer's warranty has expired does not need to be removed from service and properly abandoned if the tank is tested in accordance with the provisions of the Maine Revised Statutes, Title 38, section 564, subsection 1-A. It also provides that underground oil storage tanks and facilities do not need to be abandoned while they are not in service if they are tested in accordance with the provisions of Title 38, section 564, subsection 1-A.

### **Committee Amendment "A" (S-119)**

The amendment replaces the bill. The bill provides that an underground oil storage tank for which the manufacturer's warranty has expired does not need to be removed from service and properly abandoned if the tank is tested in accordance with the provisions of the Maine Revised Statutes, Title 38, section 564, subsection 1-A. The amendment provides that a double-walled tank may continue in service up to 10 years beyond the expiration of the warranty if precision tests are undertaken to determine the integrity of the tank.

The amendment also extends from 12 months to 24 months the time period after which underground oil storage tanks taken out of service must be properly abandoned. It also prohibits single-walled underground oil storage tanks that have been out of service for a period of more than 24 months from being brought back into service and it prohibits double-walled underground oil storage tanks that have been out of service for a period of more than 24 months from being brought back into service without the written approval of the Commissioner of Environmental Protection.

The amendment also directs the Department of Environmental Protection to report to the Fund Insurance Review Board data and associated information related to incidents of leaks or spills resulting from the double-walled underground oil storage tank exception to the otherwise mandatory replacement upon the expiration of the manufacturer's warranty.

The amendment also directs the Department of Environmental Protection to amend its rules to allow the upgrading of secondary containment systems for underground oil storage tanks.

### **Senate Amendment "A" To Committee Amendment "A" (S-142)**

This amendment replaces the rule-making provision in Committee Amendment "A" to require the Department of Environmental Protection to amend its rules to allow the retrofitting of single-walled underground storage tanks with secondary containment systems prior to the expiration of the tank manufacturer's warranty and to allow the upgrading of related piping.

### **Enacted Law Summary**

Public Law 2011, chapter 276 provides that a double-walled tank may continue in service up to 10 years beyond the expiration of the warranty if precision tests are undertaken to determine the integrity of the tank. It extends from 12 months to 24 months the time period after which underground oil storage tanks taken out of service must be properly abandoned. It prohibits single-walled underground oil storage tanks that have been out of service for a period of more than 24 months from being brought back into service and it prohibits double-walled underground oil storage

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tanks that have been out of service for a period of more than 24 months from being brought back into service without the written approval of the Commissioner of Environmental Protection. It directs the Department of Environmental Protection to report to the Fund Insurance Review Board data and associated information related to incidents of leaks or spills resulting from the double-walled underground oil storage tank exception to the otherwise mandatory replacement upon the expiration of the manufacturer's warranty. It directs the Department of Environmental Protection to amend its rules to allow the retrofitting of single-walled underground storage tanks with secondary containment systems prior to the expiration of the tank manufacturer's warranty and to allow the upgrading of related piping.

### **LD 728      An Act To Reduce Truck Travel Caused by the Bottle Redemption      ONTP Laws**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	ONTP	

This bill removes the current obligation in rule that requires a distributor to pick up a redemption center every time the distributor makes a delivery of product to any dealer or retailer that has an agreement with that redemption center. It replaces that obligation with a statutory obligation to pick up beverage containers at every redemption center every 30 days and to make additional pick ups when the redemption center has accumulated \$750 worth of beverage containers.

### **LD 733      An Act To Allow a Person Who Has Lost a Home in a Shoreland Zone      ONTP To Obtain a Building Permit**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE	ONTP	

This bill allows an owner of a structure in a shoreland zone up to 36 months to obtain a building permit to rebuild or replace the structure when the structure has been removed, damaged or destroyed to the extent that it has lost over 50% of its market value.

### **LD 781      An Act To Establish Flushability Standards for Consumer Products      Carried Over Advertised as Flushable**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES		

This bill prohibits the packaging or labeling of consumer products for distribution or sale in the State if the package or label states that the product is flushable or safe for sewer and septic systems unless the product meets the acceptance criteria for flushability as published in the Guidance Document for Assessing the Flushability of Nonwoven Consumer Products, published by the Association of the Nonwoven Fabrics Industry in effect on January 1, 2011.

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LD 781 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

### **LD 839      Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel**

**DIED IN  
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR	ONTP   MAJ OTP-AM   MIN	H-277

This resolve requires the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding motor fuel and fuel additives, including but not limited to acetaldehyde in ethanol motor fuel. The stakeholder group is directed to study the State's compliance with the federal Clean Air Act Amendments of 1990 with respect to emissions of acetaldehyde produced by the combustion of ethanol gasoline, and conduct a comprehensive review of the statewide costs associated with the acetaldehyde in ethanol motor fuel, including the corrosive effects of acetaldehyde on small engines, the effects of acetaldehyde on marine resources in the State and the negative impact such effects have on business in the State. The commissioner shall report the stakeholder group's findings to the Joint Standing Committee on Environment and Natural Resources by December 1, 2011. The committee may report out a bill to the Second Regular Session of the 125th Legislature.

#### **Committee Amendment "A" (H-277)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

### **LD 862      Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid**

**RESOLVE 46**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM	S-56

This resolve directs the Department of Environmental Protection to amend its rules governing the protection of natural resources, site location of development and storm water to provide that permits issued with respect to these areas are valid for 5 years after they are issued and that a person who holds such a permit has 10 years to complete a project pursuant to such a permit.

#### **Committee Amendment "A" (S-56)**

This amendment clarifies that the Department of Environmental Protection is required to amend its rules relating to the Natural Resources Protection Act. It also changes the time periods in the resolve to provide that permits issued with respect to the Natural Resources Protection Act and laws governing site location of development and storm water are valid for 4 years after they are issued and that a person who holds such a permit has 7 years to complete a project pursuant to that permit.

#### **Enacted Law Summary**

Resolve 2011, chapter 46 directs the Department of Environmental Protection to amend its rules to provide that permits issued with respect to the Natural Resources Protection Act and laws governing site location of development

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and storm water are valid for 4 years after they are issued and that a person who holds such a permit has 7 years to complete a project pursuant to that permit.

### **LD 872      An Act To Clarify the Natural Resources Protection Act**

**MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	ONTP   MAJ OTP-AM   MIN	

This bill changes to 75 feet the setback for significant vernal pool habitat, high and moderate value inland waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas. It also provides a mechanism to compensate landowners for the property value losses incurred as a result of more stringent setback regulations.

### **LD 879      An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste**

**Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS WHITTEMORE		

This bill amends the law regarding expansion of commercial solid waste disposal facilities and biomedical waste disposal or treatment facilities by authorizing a commercial landfill facility that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste disposal facility license. It clarifies that an expanded facility may not receive a property tax exemption on real or personal property, and it provides that the department may not process or act upon any application until certain conditions are met.

LD 879 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

### **LD 888      An Act To Allow Flexibility under Municipal Shoreland Zoning Ordinances**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS WHITTEMORE	ONTP	

This bill allows a municipality to enact in its shoreland zoning ordinance alternative provisions to the requirements in the Maine Revised Statutes, Title 38 that limit the expansion of a nonconforming structure in a shoreland zone that increases the structure's volume or floor area by 30% or more in addition to the requirements in Title 38.

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### **LD 900      An Act To Reduce Fraud in Bottle Deposit Redemption**

**ONTP**

Sponsor(s)

HUNT

Committee Report

ONTP

Amendments Adopted

This bill allows an initiator of deposit to bring a civil action against any person, other than a licensed redemption center, who is found in possession of or knowingly tenders to a redemption center or retailer more than 48 beverage containers that were not originally sold in this State. This bill also increases the penalty for possession of containers not originally sold in this State to be consistent with the penalty for tendering such containers and removes reference to a first-year warning period from the penalty provision.

### **LD 930      An Act To Clarify Maine's Phaseout of the "Deca" Mixture of Polybrominated Diphenyl Ethers**

**PUBLIC 160  
EMERGENCY**

Sponsor(s)

CRAY  
SNOWE-MELLO

Committee Report

OTP-AM

Amendments Adopted

H-152

This bill amends the law to allow for the replacement of the "deca" mixture of polybrominated diphenyl ethers as a flame retardant with a brominated or chlorinated flame retardant, as long as the replacement is not a persistent, bioaccumulative and toxic chemical and does not create another chemical as a breakdown product that is persistent, bioaccumulative and toxic.

#### **Committee Amendment "A" (H-152)**

This amendment replaces the bill. The amendment allows for the replacement of the "deca" mixture of polybrominated diphenyl ethers with a chemical that is a brominated or chlorinated flame retardant if it is demonstrated to the satisfaction of the Commissioner of Environmental Protection that the replacement flame retardant is a safer alternative. The bill allowed the replacement of the "deca" mixture with a brominated or chlorinated flame retardant without the need for the commissioner to determine that the replacement flame retardant is a safer alternative.

#### **Enacted Law Summary**

Public Law 2011, chapter 160 allows for the replacement of the "deca" mixture of polybrominated diphenyl ethers with a chemical that is a brominated or chlorinated flame retardant if it is demonstrated to the satisfaction of the Commissioner of Environmental Protection that the replacement flame retardant is a safer alternative.

Public Law 2011, chapter 160 was enacted as an emergency measure effective May 26, 2011.



## *Joint Standing Committee on Environment and Natural Resources*

**LD 969      Resolve, To Adjust Composting Limits for Farms**

**RESOLVE 60  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY	OTP-AM   MAJ	H-196
COURTNEY	OTP-AM   MIN	H-233   HAMPER

This resolve requires the Department of Environmental Protection to amend its rules to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period from 30 to 100 cubic yards.

This resolve was jointly referred to the Joint Standing Committees on Environment and Natural Resources and Agriculture, Conservation and Forestry.

### **Committee Amendment "A" (H-196)**

This amendment is the majority report of the Joint Standing Committee on Environment and Natural Resources and the Joint Standing Committee on Agriculture, Conservation and Forestry. It directs the Department of Agriculture, Food and Rural Resources to review exemptions from licensing under the Department of Environmental Protection that are contingent on a composting facility's operating in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. The Commissioner of Agriculture, Food and Rural Resources is directed to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 3, 2012 with recommendations for any statutory changes needed to clarify or enhance the department's oversight of agricultural composting operations. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill in the Second Regular Session of the 125th Legislature.

### **House Amendment "A" to Committee Amendment "A" (H-233)**

This amendment requires the Department of Environmental Protection to amend its rules to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period to 60 cubic yards, instead of 100 cubic yards as proposed in the resolve, and requires that the farm be operated in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. It directs the Department of Environmental Protection, in addition to the Department of Agriculture, Food and Rural Resources, to review agricultural composting operations that are exempt from licensing as a solid waste facility under rules adopted by the Department of Environmental Protection. It directs the Commissioner of Environmental Protection, in addition to the Commissioner of Agriculture, Food and Rural Resources, to report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations regarding oversight of agricultural composting operations. The amendment also adds an emergency preamble and an emergency clause.

### **Enacted Law Summary**

Resolve 2011, chapter 60 requires the Department of Environmental Protection to amend its rules to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period from 30 to 60 cubic yards and requires that the farm be operated in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. It directs the Department of Agriculture, Food and Rural Resources and the Department of Environmental Protection to review agricultural composting operations that are exempt from licensing as a solid waste facility under rules adopted by the Department of Environmental Protection. It directs the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Environmental Protection to report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations regarding oversight of agricultural composting operations.

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Resolve 2011, chapter 60 was finally passed as an emergency measure effective June 3, 2011.

### **LD 981      An Act To Increase Recycling Jobs in Maine and Lower Costs for Maine Businesses Concerning Recycled Electronics**

**PUBLIC 250  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES SNOWE-MELLO	OTP-AM	H-315

This bill provides that the recycling of covered electronic devices received at collection sites and events from small universal waste generators is the manufacturer's responsibility. It clarifies that a manufacturer must register with the State prior to selling covered electronic devices in the State and must report sales information on annual registrations in terms of national numbers. In addition, this bill modifies the annual manufacturer registration fee from a flat fee to a tiered system based on a manufacturer's annual national unit sales of covered electronic devices, and exempts certain historic manufacturers from the registration fee requirements. It changes the reporting requirements from every 2 years to being a part of the product stewardship report.

#### **Committee Amendment "A" (H-315)**

Current law covers only households in the State's electronic waste recycling laws. The bill expands that by covering small universal waste generators as well as households. The amendment removes the bill's coverage of small universal waste generators and expands current coverage to small businesses and nonprofit organizations that employ 100 or fewer individuals and primary and secondary schools. The amendment adds a provision that limits the number of covered electronic devices that may be dropped off at municipal collection sites or consolidator-sponsored collection events to 7 devices, unless the municipal collection site or consolidator is willing to accept additional devices. The amendment adds a provision that allows for the controlled breakage of cathode ray tubes by licensed electronics demanufacturing facilities if the facilities demonstrate to the Department of Environmental Protection that they meet specified environmental health and safety standards. The amendment adds an emergency preamble and emergency clause to the bill.

#### **Enacted Law Summary**

Current law covers only households in the State's electronic waste recycling laws. Public Law 2011, chapter 250 expands current coverage to small businesses and nonprofit organizations that employ 100 or fewer individuals and primary and secondary schools. It limits the number of covered electronic devices that may be dropped off at municipal collection sites or consolidator-sponsored collection events to 7 devices, unless the municipal collection site or consolidator is willing to accept additional devices. It clarifies that a manufacturer must register with the State prior to selling covered electronic devices in the State and must report sales information on annual registrations in terms of national numbers. It modifies the annual manufacturer registration fee from a flat fee to a tiered system based on a manufacturer's annual national unit sales of covered electronic devices, and exempts certain historic manufacturers from the registration fee requirements. It changes the reporting requirements from every 2 years to being a part of the product stewardship report. Chapter 250 also allows for the controlled breakage of cathode ray tubes by licensed electronics demanufacturing facilities if the facilities demonstrate to the Department of Environmental Protection that they meet specified environmental health and safety standards.

Public Law 2011, chapter 250 was enacted as an emergency measure effective June 8, 2011.

***Joint Standing Committee on Environment and Natural Resources***

**LD 1009      Resolve, Directing the Department of Environmental Protection To  
Work with the Town of Sanford To Develop a Plan To Clean Up  
Number One Pond in Sanford**

**MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE COURTNEY	ONTP   MAJ OTP   MIN	

This resolve directs the Department of Environmental Protection to work with the Town of Sanford to develop a plan to clean up Number One Pond in Sanford. The department is required to report to the Joint Standing Committee on Environment and Natural Resources regarding its progress in developing this plan no later than December 7, 2011. The joint standing committee may submit a bill to the Second Regular Session of the 125th Legislature related to the subject matter of the department's report.

**LD 1015      An Act To Reduce Unnecessary Reporting Requirements Related to  
Natural Resources**

**PUBLIC 120**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-199

This bill:

1. Repeals a requirement that the Commissioner of Environmental Protection annually conduct a review related to the permit by rule system and make any recommendations concerning additional categories of permits to the Board of Environmental Protection;
2. Repeals a requirement that the Commissioner of Environmental Protection report before February 1st of each year to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the effects of license fee increases on department efficiency and license and permit processing times;
3. Repeals a requirement that the Commissioner of Environmental Protection report biennially to the Legislature on the implementation and impact of local shoreland zoning ordinances;
4. Repeals a requirement that the Department of Environmental Protection periodically evaluate whether the State should continue to implement and enforce California low-emission vehicle standards relating to the control of emissions from new motor vehicles or new motor vehicle engines;
5. Repeals a requirement that the Department of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources on the levels of methyl tertiary butyl ether or MTBE in gasoline brought into the State; and
6. Removes a requirement that the Commissioner of Environmental Protection periodically hold hearings and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning progress toward meeting the instream color pollution standards under the Maine Revised Statutes, Title 38, section 414-C.

## *Joint Standing Committee on Environment and Natural Resources*

### **Committee Amendment "A" (H-199)**

This amendment exempts agricultural producers from the water withdrawal reporting program and removes the Commissioner of Agriculture, Food and Rural Resources from the list of commissioners to whom a water withdrawal report may be submitted.

### **Enacted Law Summary**

Public Law 2011, chapter 120:

1. Repeals a requirement that the Commissioner of Environmental Protection annually conduct a review related to the permit by rule system and make any recommendations concerning additional categories of permits to the Board of Environmental Protection;
2. Repeals a requirement that the Commissioner of Environmental Protection report before February 1st of each year to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the effects of license fee increases on department efficiency and license and permit processing times;
3. Repeals a requirement that the Commissioner of Environmental Protection report biennially to the Legislature on the implementation and impact of local shoreland zoning ordinances;
4. Repeals a requirement that the Department of Environmental Protection periodically evaluate whether the State should continue to implement and enforce California low-emission vehicle standards relating to the control of emissions from new motor vehicles or new motor vehicle engines;
5. Repeals a requirement that the Department of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources on the levels of methyl tertiary butyl ether or MTBE in gasoline brought into the State;
6. Removes a requirement that the Commissioner of Environmental Protection periodically hold hearings and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning progress toward meeting the instream color pollution standards under the Maine Revised Statutes, Title 38, section 414-C; and
7. Exempts agricultural producers from the water withdrawal reporting program and removes the Commissioner of Agriculture, Food and Rural Resources from the list of commissioners to whom a water withdrawal report may be submitted.

### **LD 1022      An Act To Amend the Law Concerning Overboard Discharge Systems**

**PUBLIC 121**

#### Sponsor(s)

TILTON  
SAVIELLO

#### Committee Report

OTP-AM   MAJ  
ONTP   MIN

#### Amendments Adopted

H-151

This bill removes the requirement that, prior to transferring ownership of property containing an overboard discharge system, the parties to the transfer must determine the feasibility of technologically proven alternatives to the overboard discharge system and install the alternative system if one is identified. The bill also directs the Department of Environmental Protection to provide education and outreach to owners of overboard discharge systems. The bill makes the changes to the law retroactive to January 1, 2004.

## *Joint Standing Committee on Environment and Natural Resources*

### **Committee Amendment "A" (H-151)**

This amendment replaces the bill. The bill removes the requirement that, prior to transferring ownership of property containing an overboard discharge system, the parties to the transfer must determine the feasibility of technologically proven alternatives to the overboard discharge system and install an alternative system if one is identified. The amendment retains that requirement but makes several changes to it. The amendment allows a transferee with an annual income of less than \$25,000 to request a waiver from the requirement to install an alternative system. The amendment increases the time frame, from 90 days of property transfer or significant action to 180 days of property transfer or significant action, within which an alternative system to the overboard discharge must be installed. The amendment also makes 2 technical corrections to the law. First, it clarifies that an application for transfer of an overboard discharge license must be made no later than 2 weeks after the transfer of ownership and, second, it clarifies that the sentence in the Maine Revised Statutes, Title 38, section 413, subsection 3 that limits application of the subsection to licenses issued before September 1, 2010 only applies to overboard discharge licenses, not all licenses issued by the Department of Environmental Protection.

### **Enacted Law Summary**

Public Law 2011, chapter 121 makes several changes to the law that requires, prior to transferring ownership of property containing an overboard discharge system, the parties to the transfer to determine the feasibility of technologically proven alternatives to the overboard discharge system and install an alternative system if one is identified. Chapter 121 allows a transferee with an annual income of less than \$25,000 to request a waiver from the requirement to install an alternative system. It increases the time frame, from 90 days of property transfer or significant action to 180 days of property transfer or significant action, within which an alternative system to the overboard discharge must be installed. It also makes 2 technical corrections to the law. First, it clarifies that an application for transfer of an overboard discharge license must be made no later than 2 weeks after the transfer of ownership and, second, it clarifies that the sentence in the Maine Revised Statutes, Title 38, section 413, subsection 3 that limits application of the subsection to licenses issued before September 1, 2010 only applies to overboard discharge licenses, not all licenses issued by the Department of Environmental Protection.

### **LD 1031      An Act To Amend the Laws Governing Significant Wildlife Habitat**

**PUBLIC 362**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	OTP-AM   MAJ OTP-AM   MIN	H-281

Under current law, forest management activities in significant wildlife habitat are exempt from permitting requirements under the Natural Resources Protection Act unless the habitat is mapped through rulemaking by the Department of Inland Fisheries and Wildlife. This bill removes the mapped habitat provision in the exemption for forest management activities.

### **Committee Amendment "A" (H-281)**

This amendment replaces the bill. The bill proposes to remove the mapped habitat provision in the exemption for forest management activities under the Natural Resources Protection Act. The amendment directs the Department of Environmental Protection to amend its rules to:

1. Provide that if a vernal pool depression is bisected by a property boundary, only that portion of the vernal pool depression located on the property of the landowner proposing to cause an impact may be considered in determining whether the vernal pool is significant;
2. Provide that an artificial vernal pool is exempt from regulation as long as the vernal pool was not created in

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connection with a compensation project; and

3. Remove seasonal precipitation as a factor in determining that a vernal pool habitat is not significant.

### **Enacted Law Summary**

Public Law 362 directs the Department of Environmental Protection to amend its rules to:

1. Provide that if a vernal pool depression is bisected by a property boundary, only that portion of the vernal pool depression located on the property of the landowner proposing to cause an impact may be considered in determining whether the vernal pool is significant;
2. Provide that an artificial vernal pool is exempt from regulation as long as the vernal pool was not created in connection with a compensation project; and
3. Remove seasonal precipitation as a factor in determining that a vernal pool habitat is not significant.

### **LD 1063      An Act To Restore Limits on the Location of Licensed Redemption Centers and Improve Operations      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT RECTOR	ONTP	

This bill provides that beverage container redemption centers licensed before April 1, 2009 must be counted when determining the number of centers located in a municipality and establishes a standard size and gauge for the plastic bags used by dealers and redemption centers to collect beverage containers.

### **LD 1108      An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws      PUBLIC 228**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON THOMAS	OTP-AM   MAJ ONTP   MIN	H-275

Current law requires a person who, except for timber harvesting, cuts down a tree or understory vegetation in violation of local land use laws and ordinances to replace the tree or vegetation with a tree or vegetation of similar size and species. This bill gives the court the discretion to order the replacement of the tree or vegetation, provides that the replacement doesn't have to be on a one-for-one basis and allows the replacement to be of a reasonably similar species only.

#### **Committee Amendment "A" (H-275)**

The amendment replaces the bill. The bill proposes to give the court discretion to order the replacement of trees or vegetation when a person cuts down a tree or understory vegetation in violation of the shoreland zoning laws. Under current law, except for timber harvesting, a person is required to replace each tree with a tree of substantially similar size and species to the extent available and feasible.

This amendment requires the replacement of each tree cut with a tree or trees of varying size and species such that the visual impact from the cutting will be remediated, the tree canopy that was cut will be restored within a

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reasonable time period and a total basal area equal to at least 50% of the basal area cut will be replanted. The amendment requires the replacement of understory vegetation with understory vegetation of substantially similar size and species to the extent reasonably available and feasible. The amendment requires a 5-year management plan to be developed, which must address how the replacement trees must be maintained to enable them to grow to a healthy, mature height.

### **Enacted Law Summary**

Under current law, except for timber harvesting, when a person cuts down a tree or understory vegetation in violation of the shoreland zoning laws, that person is required to replace each tree with a tree of substantially similar size and species to the extent available and feasible. Public law 2011, chapter 228 requires the replacement of each tree cut with a tree or trees of varying size and species such that the visual impact from the cutting will be remediated, the tree canopy that was cut will be restored within a reasonable time period and a total basal area equal to at least 50% of the basal area cut will be replanted. It requires the replacement of understory vegetation with understory vegetation of substantially similar size and species to the extent reasonably available and feasible. It requires a 5-year management plan to be developed, which must address how the replacement trees must be maintained to enable them to grow to a healthy, mature height.

### **LD 1129      An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals**

**PUBLIC 319**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER	OTP-AM	H-421

This bill makes a number of changes to the priority chemical program, including:

1. Amending the Maine Administrative Procedure Act to require that the Legislature receive notification through the regulatory agenda process of any proposals to regulate chemicals pursuant to the Maine Revised Statutes, Title 38, chapter 16-D before rulemaking may be initiated;
2. Providing the Department of Environmental Protection with a process by which it can respond to developments in science to remove the designation of and de-list a chemical that is ultimately found to not pose a risk to human health;
3. Designating rules adopted by the Department of Environmental Protection that designate chemicals of high concern as priority chemicals to be major substantive rules;
4. Establishing de minimus levels of chemical concentrations in children's products;
5. Establishing clear exposure criteria for designation of priority chemicals;
6. Removing the presumptions regarding safer alternatives to a priority chemical;
7. Reducing regulatory duplication with other state or federal programs; and
8. Increasing from 10 to 45 days the amount of time a manufacturer or distributor of a product offered for sale in violation of the priority chemical requirements has to provide evidence that the product is not in violation or notify persons who sell the product.

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### **Committee Amendment "A" (H-421)**

This amendment replaces the bill. The amendment makes a number of changes to the priority chemical program.

1. It prohibits the Department of Environmental Protection from initiating rulemaking under the Maine Revised Statutes, Title 38, chapter 16-D unless the chemical at issue has been included in a regulatory agenda disclosed to the Legislature pursuant to the Maine Administrative Procedure Act or the rulemaking is in response to a petition by a person to adopt or modify a rule pursuant to the Maine Administrative Procedure Act.
2. It changes the name of the list of "chemicals of high concern" to "chemicals of concern." Conforming name changes are made throughout the amendment. By January 1, 2012, the department is required to remove chemicals from the original list that are exempt from regulation. A person may petition for removal of chemicals that don't meet the listing criteria.
3. By July 1, 2012, a new list of up to 70 "chemicals of high concern" must be developed by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and published by the Department of Environmental Protection based on a finding of strong credible evidence of toxicity and one or more indicators of likely exposure.
4. "De minimis level" is defined. For a chemical present in a product as a contaminant, the de minimis level is 100 parts per million. For a chemical that's intentionally added to a product by a manufacturer, the de minimis level is the practical quantification limit, which is the lowest concentration of the chemical that can be reliably and accurately measured.
5. The Commissioner of Environmental Protection is required to review the published list of chemicals of high concern at least every 3 years and may, with the concurrence of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, remove chemicals that no longer meet the listing criteria and may add chemicals that meet the criteria. The list of chemicals of high concern may not consist of more than 70 or fewer than 10 chemicals, unless fewer than 10 meet the listing criteria.
6. Effective July 1, 2012, a "priority chemical" may be designated only if the chemical has been listed on the list of chemicals of high concern.
7. The definition of "children's product" is amended by limiting it to those products intended, made and marketed for use by children under 12 years of age and other consumer products through which a child under 12 years of age or a fetus is likely to be exposed to a chemical of concern.
8. The definition of "consumer product" is narrowed to mean items sold for indoor use in a residence, child care facility or school, or for outdoor residential use if children may have direct contact with the items.
9. Definitions of "credible scientific evidence" and "practical quantification limit" have been added.
10. The criteria to be considered for designating a priority chemical are reduced from 6 to 3.
11. In determining whether a safer alternative is available, the Department of Environmental Protection may presume that a safer alternative is available if another state bans that chemical only if that state based its action on the availability of safer alternatives.
12. It provides that the Department of Environmental Protection may consider the extent to which a chemical is adequately regulated by the Federal Government or another state agency in Maine in exercising its discretionary authority under the law.



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13. It provides that the following are exempt from the requirements for disclosing information for priority chemicals and from any sales prohibition:

- A. Inaccessible components, except that the Department of Environmental Protection may adopt a rule based on a case-by-case evaluation to subject inaccessible components to those requirements; and
- B. A priority chemical that occurs in a product component only as a contaminant, if the manufacturer had a manufacturing control plan and exercised due diligence.

14. It allows a manufacturer 30 days instead of 10 days to respond to the Department of Environmental Protection's request for a certificate of compliance.

15. It provides that any reporting requirements for products containing existing priority chemicals that have been adopted by rule by the Department of Environmental Protection are extended to the effective date of this legislation. It makes this provision retroactive to the date the reports are currently required, July 8, 2011.

### **Enacted Law Summary**

Public Law 2011, chapter 319 makes a number of changes to the priority chemical program.

1. It prohibits the Department of Environmental Protection from initiating rulemaking under the Maine Revised Statutes, Title 38, chapter 16-D unless the chemical at issue has been included in a regulatory agenda disclosed to the Legislature pursuant to the Maine Administrative Procedure Act or the rulemaking is in response to a petition by a person to adopt or modify a rule pursuant to the Maine Administrative Procedure Act.
2. It changes the name of the list of "chemicals of high concern" to "chemicals of concern." Conforming name changes are made throughout the law. By January 1, 2012, the department is required to remove chemicals from the original list that are exempt from regulation. A person may petition for removal of chemicals that don't meet the listing criteria.
3. By July 1, 2012, a new list of up to 70 "chemicals of high concern" must be developed by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and published by the Department of Environmental Protection based on a finding of strong credible evidence of toxicity and one or more indicators of likely exposure.
4. "De minimis level" is defined. For a chemical present in a product as a contaminant, the de minimis level is 100 parts per million. For a chemical that's intentionally added to a product by a manufacturer, the de minimis level is the practical quantification limit, which is the lowest concentration of the chemical that can be reliably and accurately measured.
5. The Commissioner of Environmental Protection is required to review the published list of chemicals of high concern at least every 3 years and may, with the concurrence of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, remove chemicals that no longer meet the listing criteria and may add chemicals that meet the criteria. The list of chemicals of high concern may not consist of more than 70 or fewer than 10 chemicals, unless fewer than 10 meet the listing criteria.
6. Effective July 1, 2012, a "priority chemical" may be designated only if the chemical has been listed on the list of chemicals of high concern.
7. The definition of "children's product" is amended by limiting it to those products intended, made and marketed for use by children under 12 years of age and other consumer products through which a child under 12 years of age or a fetus is likely to be exposed to a chemical of concern.

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8. The definition of "consumer product" is narrowed to mean items sold for indoor use in a residence, child care facility or school, or for outdoor residential use if children may have direct contact with the items.
9. Definitions of "credible scientific evidence" and "practical quantification limit" have been added.
10. The criteria to be considered for designating a priority chemical are reduced from 6 to 3.
11. In determining whether a safer alternative is available, the Department of Environmental Protection may presume that a safer alternative is available if another state bans that chemical only if that state based its action on the availability of safer alternatives.
12. It provides that the Department of Environmental Protection may consider the extent to which a chemical is adequately regulated by the Federal Government or another state agency in Maine in exercising its discretionary authority under the law.
13. It provides that the following are exempt from the requirements for disclosing information for priority chemicals and from any sales prohibition:
  - A. Inaccessible components, except that the Department of Environmental Protection may adopt a rule based on a case-by-case evaluation to subject inaccessible components to those requirements; and
  - B. A priority chemical that occurs in a product component only as a contaminant, if the manufacturer had a manufacturing control plan and exercised due diligence.
14. It allows a manufacturer 30 days instead of 10 days to respond to the Department of Environmental Protection's request for a certificate of compliance.
15. It provides that any reporting requirements for products containing existing priority chemicals that have been adopted by rule by the Department of Environmental Protection are extended to the effective date of this legislation. It makes this provision retroactive to the date the reports are currently required, July 8, 2011.

**LD 1146      Resolve, To Direct the Department of Environmental Protection To      ONTP**  
**Adopt Rules Establishing Sound Level Limits for Wind Turbines**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP	

This resolve directs the Department of Environmental Protection to adopt rules regulating sound level limits for industrial grade wind turbines for sound generated both in the audible range and in the low frequency subaudible range.

**LD 1156      An Act To Exempt from Subdivision Requirements Land Sold by 65      ONTP**  
**Years of Age or Older Persons**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT KATZ	ONTP	

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This bill permits a landowner who is 65 years of age or older to sell a tract or parcel of land once a year without creating a lot for subdivision purposes as long as the division of land is in compliance with local ordinances.

**LD 1185      An Act To Amend the Process for Prioritizing Toxic Chemicals in      ONTP**  
**Children's Products**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	ONTP	

The bill amends the law to require the Commissioner of Environmental Protection by January 1, 2012 to establish a list of chemicals that are candidates for designation as a priority chemical based on similar listings of other authoritative agencies or demonstrated potential to expose children to that chemical from its use in children's products. Under the bill, the candidate list is a subset of the list of chemicals of high concern, which is already established under existing law. The bill further requires that, after January 1, 2012, a chemical may be designated as a priority chemical only if it is included on the candidate list and requires that at least 2 additional priority chemicals be designated by January 1, 2013.

**LD 1202      An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle      ONTP**  
**Oil**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL	ONTP	

Under current law, motor vehicle oil, when sold in containers of more than 5 gallons, is subject to a premium of \$1.10 per gallon. Prepackaged motor oil and diesel engine motor oil are subject to a premium of 35¢ per gallon. This bill equalizes the premiums for all motor vehicle oils at 35¢ per gallon, effective October 1, 2011.

**LD 1210      An Act To Exempt Small Distributors from Unclaimed Deposit      ONTP**  
**Requirements**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG WOODBURY	ONTP	

This bill exempts from the unclaimed beverage container deposit requirements small distributors who each calendar year sell no more than 100,000 gallons or 500,000 containers of product.

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### **LD 1250      An Act To Improve Oil Storage Facility Operator Training**

**PUBLIC 317**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-257

Current rules of the Department of Environmental Protection require persons in charge of the daily operations of oil storage facilities to undergo a department training program in the monitoring, maintenance and operating procedures of those facilities. This bill requires the training program to be completed every 3 years and allows the department to approve training done by a 3rd party.

#### **Committee Amendment "A" (S-257)**

This amendment requires a training program for operators of underground oil storage facilities to be completed every 2 years instead of every 3 years as the bill proposes.

#### **Enacted Law Summary**

Public Law 2011, chapter 317 requires a training program for operators of underground oil storage facilities to be completed every 2 years and allows the Department of Environmental Protection to approve training done by a 3rd party.

### **LD 1255      Resolve, To Study Initiatives To Increase Recycling in Maine**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	ONTP	

This resolve directs the Executive Department, State Planning Office to convene a stakeholder group to analyze the beverage container recycling program in the State in the context of the State's municipal solid waste recycling program and to report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters by January 15, 2013.

### **LD 1278      An Act To Stabilize Solid Waste Management Funding**

**Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE		

This bill creates a 3rd subsidiary account in the Maine Solid Waste Management Fund for the purpose of purchasing additional landfill disposal capacity. The bill imposes fees on the disposal of construction and demolition debris and construction and demolition debris processing residue and imposes higher fees on certain wastes that are disposed of at a landfill granted a license to expand after October 15, 2011. The bill also provides that a disposal fee may not be imposed on construction and demolition debris and construction and demolition debris processing residue that is

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disposed of at a municipal, regional association or generator-owned landfill.

LD 1278 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

### **LD 1320     An Act To Increase the Recycling Rate in Maine**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH SAVIELLO	ONTP	

This bill:

1. Requires municipalities, from January 1, 2012 to December 31, 2017, to semiannually receive household hazardous waste;
2. Requires a municipality with a population greater than 2,000 to receive, recycle and, if possible, sell all cardboard disposed of in the municipality;
3. Requires a municipality with a population greater than 2,000 to receive and compost household yard waste; and
4. Allows municipal expenses incurred in implementing the requirements of this bill to be paid by the Executive Department, State Planning Office from the Maine Solid Waste Management Fund.

### **LD 1324     An Act To Create Consistency and Fairness in Maine's Bottle Bill**

**PUBLIC 429**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT MARTIN T	OTP-AM	H-316 S-359 ROSEN R

This bill removes containers larger than 28 ounces from the bottle bill. It establishes a period for phaseout for discontinuing the issuance of deposit and redemption of deposit for these items, including the payment of deposits by redemption centers to consumers and the payment of deposits and handling fees by manufacturers and distributors to redemption centers. The bill also establishes a uniform deposit of 5¢ for all containers and establishes a similar period for phaseout for converting the deposit on those items from 15¢ to 5¢.

#### **Committee Amendment "A" (H-316)**

The bill proposes to remove containers larger than 28 ounces from the bottle bill and to establish a uniform deposit of 5¢ for all containers. The amendment strikes those provisions. The amendment retains those sections of the bill that change the committee of jurisdiction that reviews major substantive rules. The amendment also adds provisions that:

1. Remove the requirement that 50% or more of like beverage containers for which deposits are initiated in the State must be covered in a commingling agreement. This allows initiators of deposit who do not initiate 50% or more of like beverage containers to enter into commingling agreements;

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2. Incorporate the provisions of L.D. 900 that allow an initiator of deposit to bring a civil action against any person, other than a licensed redemption center, that is found in possession of or knowingly tenders to a redemption center or retailer more than 48 beverage containers that were not originally sold in this State. It also increases the penalty for possession of containers not originally sold in this State to be consistent with the penalty for tendering such containers and removes reference to a first-year warning period from the penalty provision;
3. Clarify that unclaimed deposits received under the bottle bill are not deposited in the Maine Solid Waste Management Fund; and
4. Direct the Department of Agriculture, Food and Rural Resources to undertake rulemaking regarding commingling agreements, plastic bags and redemption center locations.

### **Senate Amendment "B" To Committee Amendment "A" (S-359)**

This amendment reinstates the requirement that 50% or more of like beverage containers for which deposits are initiated in the State must be covered in a commingling agreement and adds a provision allowing initiators of deposit for wine containers who sell no more than 100,000 gallons of wine or 500,000 wine containers per year to enter into a commingling agreement. The provision allowing initiators of deposit for wine containers who sell no more than 100,000 gallons of wine or 500,000 wine containers per year to enter into a commingling agreement takes effect July 1, 2012.

### **Enacted Law Summary**

Public Law 2011, chapter 429:

1. Allows an initiator of deposit to bring a civil action against any person, other than a licensed redemption center, that is found in possession of or knowingly tenders to a redemption center or retailer more than 48 beverage containers that were not originally sold in this State. It also increases the penalty for possession of containers not originally sold in this State and removes reference to a first-year warning period from the penalty provision;
2. Clarifies that unclaimed deposits received under the bottle bill are not deposited in the Maine Solid Waste Management Fund;
3. Directs the Department of Agriculture, Food and Rural Resources to undertake rulemaking regarding commingling agreements, plastic bags and redemption center locations; and
4. Effective, July 1, 2012, allows initiators of deposit for wine containers who sell no more than 100,000 gallons of wine or 500,000 wine containers per year to enter into a commingling agreement.

**LD 1328      Resolve, To Create a Working Group To Study the Subdivision Laws**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORISSETTE WHITEMORE	ONTP	

This resolve requires the Department of Public Safety to convene a working group to study the subdivision laws. The department shall report its recommendations for changes to the laws to the Joint Standing Committee on State and Local Government by January 30, 2012.

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**LD 1387     An Act To Restore Exemptions in the Natural Resources Protection Act**

**PUBLIC 205**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SAVIELLO	OTP-AM	H-317

This bill amends the exemption for certain maintenance and repair activities in the Natural Resources Protection Act. The bill eliminates a longstanding duplicate exemption applying to stream crossings. The bill replaces the exemption for certain existing road culverts in the Natural Resources Protection Act. The bill also clarifies that slip or invert lining of existing culverts is not considered a maintenance and repair activity, thus requiring a permit by rule for those activities. The bill requires that the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation present the final draft of a statewide aquatic conservation and restoration strategy plan to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 31, 2013. The plan may include recommended legislation, and the committee is authorized to report out a bill to the First Regular Session of the 126th Legislature.

**Committee Amendment "A" (H-317)**

This amendment clarifies that the Natural Resources Protection Act exemption applies to all existing crossings, not just road crossings. It removes a provision in the bill that requires crossings to not block passage for aquatic organisms other than fish. It requires replacement crossings to match the natural stream grade and removes a provision in the bill that requires the stream grade to not exceed 2%. The amendment retains the provisions in the bill that require the development of a statewide aquatic conservation and restoration strategy plan. The amendment removes the provision in the bill that excludes slip-lining and invert lining from eligibility for the repair and maintenance exemption.

**Enacted Law Summary**

Public Law 2011, chapter 205 amends the exemption for certain maintenance and repair activities in the Natural Resources Protection Act and eliminates a longstanding duplicate exemption applying to stream crossings. It replaces the exemption for existing crossings. It also requires that the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation present the final draft of a statewide aquatic conservation and restoration strategy plan to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 31, 2013. The plan may include recommended legislation, and the committee is authorized to report out a bill to the First Regular Session of the 126th Legislature.

**LD 1390     An Act To Revise the Reporting Requirements for Oil Spills**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP	

Current law requires the discharge of oil into any coastal waters or beaches or any other waters of the State to be reported to the Department of Environmental Protection within 2 hours of the discharge. This bill exempts from that reporting requirement discharges of less than 5 gallons that occur on land and do not affect any well or drinking

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water source; the person causing or responsible for the discharge is still required to remove the discharge and reimburse the department for any costs related to the discharge.

### **LD 1398      An Act To Amend the Laws Administered by the Department of Environmental Protection**

**PUBLIC 206  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER	OTP-AM   MAJ OTP-AM   MIN	H-369

This bill makes the following changes to the laws governing environmental protection.

1. It authorizes the Department of Environmental Protection to allow an operator to review a completed operator certification test with department staff in order to identify subject areas for which questions were answered incorrectly and further study is advisable.
2. It repeals an obsolete provision of law governing certification of underground oil storage tank removers.
3. It clarifies the laws governing liability of fiduciaries and lenders who undertake investigations of contaminated property.
4. It changes the name of the Pollution Prevention Advisory Committee to the Pollution Prevention and Small Business Assistance Advisory Panel and amends the laws governing the appointment of members to the panel and terms and compensation of members.
5. It adds the category of degraded regions or watersheds to the list of regions or watersheds that the department is required to establish in rule.
6. It amends the Maine Revised Statutes, Title 38, section 420-D, subsection 5 to provide that if project review is required pursuant to Title 38, section 1310-N, 1319-R or 1319-X, regarding waste facility licenses, review is not required pursuant to the laws governing storm water management.
7. It repeals Title 38, section 420-D, subsection 7, paragraph F, which is an exemption from the laws governing storm water management for waste facilities regulated under Title 38, section 1310-N, 1319-R or 1319-X.
8. It amends Title 38, section 420-D, subsection 11, a provision that authorizes the Department of Environmental Protection to establish a nonpoint source reduction program to allow an applicant to pay a compensation fee in lieu of meeting certain requirements, by adding the alternative of allowing an applicant to carry out a compensation project in lieu of meeting such requirements. It also deletes a related provision that authorizes the department to allow an applicant to meet a municipally required mitigation option in certain circumstances as an alternative to paying a compensation fee.
9. It amends Title 38, section 469 to add text consistent with the first paragraph of section 469, to correct the structure of section 469 and to aid the ease of use of the section.
10. It amends the laws governing the classification of estuarine and marine waters in Phippsburg to specify missing coordinates.
11. It amends the oil spill prevention laws to make it clear that liquid natural gas is not oil.



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12. It amends the laws on registration of underground oil storage tanks to require that such tanks be registered within the year preceding installation.
13. It amends the laws governing abandonment and removal of oil storage facilities to allow flexibility in providing notice to the department in advance of removal work.
14. It amends the oil spill remediation laws to make it clear that the costs of cleaning up discharges from aboveground home heating oil tanks are eligible for coverage by the Ground Water Oil Clean-up Fund whether or not the tank is constructed of fiberglass, cathodically protected steel or other noncorrosive material. It also deletes obsolete language related to eligibility for fund coverage of discharges that were discovered before October 1, 1999.
15. It amends the oil spill remediation laws to provide that oil cleanup costs from leaking storage tanks are eligible for coverage by the Ground Water Oil Clean-up Fund if the applicant for coverage such as the tank owner or operator pays the applicable statutory deductibles.
16. It limits the liability of municipalities that acquire oil storage facilities through tax delinquency proceedings.
17. It repeals and replaces Title 38, section 584-A to provide that references to ambient air quality standards refer to national ambient air quality standards.
18. It amends the wellhead protection laws to extend the siting restrictions on automobile maintenance shops to public works garages and other noncommercial facilities where motor vehicles are serviced.
19. It amends the wellhead protection laws to eliminate language regarding the applicability of wellhead siting restrictions to development under construction. The language has been rendered obsolete by the passage of time.
20. It amends the mercury products laws to consolidate restrictions on the sale of mercury-added batteries.
21. It amends the mercury products laws to clarify that automakers must pay the minimum \$4 amount for mercury switches from motor vehicles if the year, make and model of the vehicle are provided.
22. It amends the laws governing recycling of mercury thermostats to clarify the requirements for distribution of collection bins to recycling locations. It also amends the provisions requiring thermostat manufacturers to pay a \$5 bounty on each mercury thermostat returned for recycling by clarifying that the bounty is owed whether or not the thermostat is returned with the exterior cover intact.
23. It consolidates reporting requirements under the thermostat recycling and product stewardship laws.
24. It amends the product stewardship laws to make explicit that product manufacturers may create a stewardship organization to implement their responsibilities for managing the environmental impacts of their products.

### **Committee Amendment "A" (H-369)**

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It adds an emergency preamble and clause.
2. It retains the current authority of the President of the Senate and Speaker of the House to appoint members to the Pollution Prevention and Small Business Assistance Advisory Panel. The bill proposes to move the authority to appoint 4 members to the Governor.
3. It amends the law on registration of underground oil storage tanks to require that the tanks be registered within 2 years preceding installation, instead of within one year as proposed in the bill.

## ***Joint Standing Committee on Environment and Natural Resources***

4. It clarifies that the authority of the Department of Environmental Protection to adopt emission standards designed to achieve ambient air quality standards is not limited by language in the bill that references the federal Clean Air Act.
5. It adds a provision that amends the single entity ownership exception contained in the definition of "commercial solid waste disposal facility."
6. It adds a provision that amends the laws governing wellhead protection to address the removal and replacement of grandfathered facilities in wellhead protection zones.
7. It adds a provision that delays the effective date of Maine's ban on the sale of mercury-added button cell batteries.

### **Enacted Law Summary**

Public Law 2011, chapter 206 makes the following changes to the laws governing environmental protection.

1. It authorizes the Department of Environmental Protection to allow an operator to review a completed operator certification test with department staff in order to identify subject areas for which questions were answered incorrectly and further study is advisable.
2. It repeals an obsolete provision of law governing certification of underground oil storage tank removers.
3. It clarifies the laws governing liability of fiduciaries and lenders who undertake investigations of contaminated property.
4. It changes the name of the Pollution Prevention Advisory Committee to the Pollution Prevention and Small Business Assistance Advisory Panel and amends the laws governing the appointment of certain members to the panel and terms and compensation of members.
5. It adds the category of degraded regions or watersheds to the list of regions or watersheds that the department is required to establish in rule.
6. It amends the Maine Revised Statutes, Title 38, section 420-D, subsection 5 to provide that if project review is required pursuant to Title 38, section 1310-N, 1319-R or 1319-X, regarding waste facility licenses, review is not required pursuant to the laws governing storm water management.
7. It repeals Title 38, section 420-D, subsection 7, paragraph F, which is an exemption from the laws governing storm water management for waste facilities regulated under Title 38, section 1310-N, 1319-R or 1319-X.
8. It amends Title 38, section 420-D, subsection 11, a provision that authorizes the Department of Environmental Protection to establish a nonpoint source reduction program to allow an applicant to pay a compensation fee in lieu of meeting certain requirements, by adding the alternative of allowing an applicant to carry out a compensation project in lieu of meeting such requirements. It also deletes a related provision that authorizes the department to allow an applicant to meet a municipally required mitigation option in certain circumstances as an alternative to paying a compensation fee.
9. It amends Title 38, section 469 to add text consistent with the first paragraph of section 469, to correct the structure of section 469 and to aid the ease of use of the section.
10. It amends the laws governing the classification of estuarine and marine waters in Phippsburg to specify missing coordinates.

## ***Joint Standing Committee on Environment and Natural Resources***

11. It amends the oil spill prevention laws to make it clear that liquid natural gas is not oil.
12. It amends the laws on registration of underground oil storage tanks to require that such tanks be registered within 2 years preceding installation.
13. It amends the laws governing abandonment and removal of oil storage facilities to allow flexibility in providing notice to the department in advance of removal work.
14. It amends the oil spill remediation laws to make it clear that the costs of cleaning up discharges from aboveground home heating oil tanks are eligible for coverage by the Ground Water Oil Clean-up Fund whether or not the tank is constructed of fiberglass, cathodically protected steel or other noncorrosive material. It also deletes obsolete language related to eligibility for fund coverage of discharges that were discovered before October 1, 1999.
15. It amends the oil spill remediation laws to provide that oil cleanup costs from leaking storage tanks are eligible for coverage by the Ground Water Oil Clean-up Fund if the applicant for coverage such as the tank owner or operator pays the applicable statutory deductibles.
16. It limits the liability of municipalities that acquire oil storage facilities through tax delinquency proceedings.
17. It repeals and replaces Title 38, section 584-A to provide that references to ambient air quality standards refer to national ambient air quality standards.
18. It amends the wellhead protection laws to extend the siting restrictions on automobile maintenance shops to public works garages and other noncommercial facilities where motor vehicles are serviced.
19. It amends the wellhead protection laws to eliminate language regarding the applicability of wellhead siting restrictions to development under construction. The language has been rendered obsolete by the passage of time.
20. It amends the mercury products laws to consolidate restrictions on the sale of mercury-added batteries.
21. It amends the mercury products laws to clarify that automakers must pay the minimum \$4 amount for mercury switches from motor vehicles if the year, make and model of the vehicle are provided.
22. It amends the laws governing recycling of mercury thermostats to clarify the requirements for distribution of collection bins to recycling locations. It also amends the provisions requiring thermostat manufacturers to pay a \$5 bounty on each mercury thermostat returned for recycling by clarifying that the bounty is owed whether or not the thermostat is returned with the exterior cover intact. (Note: Public Law 2011, chapter 420, "the Errors Bill," removed these provisions from law.)
23. It consolidates reporting requirements under the thermostat recycling and product stewardship laws. (See Note in #22 above.)
24. It amends the product stewardship laws to make explicit that product manufacturers may create a stewardship organization to implement their responsibilities for managing the environmental impacts of their products.
25. It amends the single entity ownership exception contained in the definition of "commercial solid waste disposal facility."
26. It amends the laws governing wellhead protection to address the removal and replacement of grandfathered facilities in wellhead protection zones.
27. It delays the effective date of Maine's ban on the sale of mercury-added button cell batteries.

## *Joint Standing Committee on Environment and Natural Resources*

Public Law 2011, chapter 206 was enacted as an emergency measure effective June 3, 2011.

**LD 1412      An Act To Promote the Proper Disposal of Used Medical Sharps      Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES		

This bill requires a manufacturer of medical sharps to participate in a program, individually or in conjunction with other manufacturers, for the collection, handling, transportation, treatment and disposal of unwanted medical sharps. It also provides that an entity that uses medical sharps is not required to dispose of them by shredding.

LD 1412 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

**LD 1417      An Act To Exempt Wine Bottles from Maine's Container Redemption System      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	ONTP	

This bill exempts wine bottles from the bottle redemption system.

**LD 1433      An Act To Provide for the Recycling or Proper Disposal of Architectural Paint      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES BRANNIGAN	ONTP	

This bill establishes a product stewardship program for the environmentally sound disposal of architectural paint.

**LD 1434      An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program      PUBLIC 211  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO	OTP-AM	H-318

## ***Joint Standing Committee on Environment and Natural Resources***

This bill implements the recommendations of the stakeholder group convened by the Department of Environmental Protection pursuant to Resolve 2009, chapter 211. The bill amends the waste motor oil disposal site remediation program and the Plymouth Waste Oil Loan Program in accordance with the stakeholder group recommendations.

1. Current law imposes a premium on prepackaged gasoline engine motor oil and diesel engine bulk motor vehicle oil at the rate of 35¢ per gallon and on gasoline engine bulk motor vehicle oil at the rate of \$1.10 per gallon. This bill specifies that the premium is \$1.10 per gallon of gasoline engine crankcase oil sold or distributed in a volume of more than 5 gallons and 35¢ per gallon on diesel engine crankcase oil, gasoline engine crankcase oil sold or distributed in containers of 5 gallons or less and all other motor vehicle oil sold or distributed in containers of 16 gallons or less.
2. As long as there is at least \$600,000 in the Waste Motor Oil Revenue Fund, the Finance Authority of Maine is directed to disburse the funds in excess of that amount each year to reimburse motor vehicle oil dealers for premiums paid on oil sold or distributed outside of Maine, to pay the responsible parties at the Plymouth waste motor oil disposal site, to reimburse the Maine National Guard for response costs incurred at the Plymouth waste motor oil disposal site and to reimburse the Uncontrolled Sites Fund in the Department of Environmental Protection for response costs incurred by the department at the waste motor oil disposal sites in Plymouth, Casco, Ellsworth and Presque Isle.
3. Once \$3,500,000 is paid to the Department of Environmental Protection from the Waste Motor Oil Revenue Fund, the department is directed to release from liability any eligible person at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites.
4. A program to reimburse motor oil dealers for premiums paid on oil sold or distributed out of state is established using funds in the Waste Motor Oil Revenue Fund.
5. The Finance Authority of Maine is required to disburse, on a pro rata basis, all funds in the Waste Oil Clean-up Fund, established in the Maine Revised Statutes, Title 10, section 1023-L, to eligible persons at the waste motor oil disposal site in Plymouth.
6. The Finance Authority of Maine is required to treat as a grant any loan made by the authority under the Plymouth Waste Oil Loan Program established in Title 10, section 1023-M and to dismiss any further obligation of the borrower.

### **Committee Amendment "A" (H-318)**

This amendment makes a technical correction by changing the phrase "redemption of premiums" to "redemption premiums." The amendment also clarifies that the Finance Authority of Maine is not required to disburse the balance in the Waste Oil Clean-up Fund within 30 days of the effective date of the Act.

### **Enacted Law Summary**

Public Law 2011, chapter 211 implements the recommendations of the stakeholder group convened by the Department of Environmental Protection pursuant to Resolve 2009, chapter 211. It amends the waste motor oil disposal site remediation program and the Plymouth Waste Oil Loan Program in accordance with the stakeholder group recommendations.

1. Current law imposes a premium on prepackaged gasoline engine motor oil and diesel engine bulk motor vehicle oil at the rate of 35¢ per gallon and on gasoline engine bulk motor vehicle oil at the rate of \$1.10 per gallon. Chapter 211 specifies that the premium is \$1.10 per gallon of gasoline engine crankcase oil sold or distributed in a volume of more than 5 gallons and 35¢ per gallon on diesel engine crankcase oil, gasoline engine crankcase oil sold or distributed in containers of 5 gallons or less and all other motor vehicle oil sold or distributed in containers of 16 gallons or less.

## *Joint Standing Committee on Environment and Natural Resources*

2. As long as there is at least \$600,000 in the Waste Motor Oil Revenue Fund, the Finance Authority of Maine is directed to disburse the funds in excess of that amount each year to reimburse motor vehicle oil dealers for premiums paid on oil sold or distributed outside of Maine, to pay the responsible parties at the Plymouth waste motor oil disposal site, to reimburse the Maine National Guard for response costs incurred at the Plymouth waste motor oil disposal site and to reimburse the Uncontrolled Sites Fund in the Department of Environmental Protection for response costs incurred by the department at the waste motor oil disposal sites in Plymouth, Casco, Ellsworth and Presque Isle.
3. Once \$3,500,000 is paid to the Department of Environmental Protection from the Waste Motor Oil Revenue Fund, the department is directed to release from liability any eligible person at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites.
4. A program to reimburse motor vehicle oil dealers for premiums paid on oil sold or distributed out of state is established using funds in the Waste Motor Oil Revenue Fund.
5. The Finance Authority of Maine is required to disburse, on a pro rata basis, all funds in the Waste Oil Clean-up Fund, established in the Maine Revised Statutes, Title 10, section 1023-L, to eligible persons at the waste motor oil disposal site in Plymouth.
6. The Finance Authority of Maine is required to treat as a grant any loan made by the authority under the Plymouth Waste Oil Loan Program established in Title 10, section 1023-M and to dismiss any further obligation of the borrower.

Public Law 2011, chapter 211 was enacted as an emergency measure effective June 3, 2011.

**LD 1458      An Act To Transfer Recycling Technical Assistance and Solid Waste  
Policy Responsibilities from the State Planning Office to the Department  
of Environmental Protection**

**Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON SULLIVAN		

This bill:

1. Gives the following recycling technical assistance and solid waste disposal policy responsibilities, which are currently the responsibilities of the Executive Department, State Planning Office, to the Department of Environmental Protection:
  - A. Determining reasonable municipal recycling progress;
  - B. Providing technical and financial assistance to municipalities;
  - C. Providing technical assistance to businesses;
  - D. Collecting municipal solid waste management and recycling reports and data;
  - E. Providing recycling marketing assistance;
  - F. Assisting entities with meeting office paper recycling requirements;

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G. Participating in national and interstate initiatives for uniform state laws;

H. Collecting incinerator reports and data;

I. Preparing the state waste management and recycling plan; and

J. Staffing the Solid Waste Management Advisory Council; and

2. Provides that the State Planning Office keep the following recycling technical assistance and solid waste disposal policy responsibilities:

A. Preparing the waste generation and disposal capacity report;

B. Planning for development of solid waste disposal facilities; and

C. Recommending development of state-owned solid waste disposal facilities.

LD 1458 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

**LD 1567      Resolve, To Authorize the State To Acquire a Landfill in the Town of  
East Millinocket**

**RESOLVE 90  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM   MAJ ONTP   MIN	H-635   HAMPER S-282

This resolve directs the Executive Department, State Planning Office to purchase and cause to be operated an existing licensed and generator-owned solid waste disposal facility in the Town of East Millinocket known as the Dolby Landfill. The current owner of the disposal facility and the owner's successors and assigns in the ownership of the pulp and paper mills in the Town of Millinocket and the Town of East Millinocket will have the right to dispose of sludge, ash and other wastes generated at these facilities. The municipality in which the disposal facility is located may not regulate the operation of the disposal facility. The municipal officials of the Town of East Millinocket and the Town of Millinocket are directed to establish a joint citizen advisory committee regarding the disposal facility. The resolve directs the Executive Department, State Planning Office to submit a report to the Joint Standing Committee on Environment and Natural Resources by February 15, 2012 on the acquisition of the disposal facility and a review of the operations related to the disposal facility.

### **Committee Amendment "A" (S-282)**

This amendment, which is the majority report of the committee, amends the resolve in the following ways.

1. It authorizes the Executive Department, State Planning Office to acquire, own and cause to be operated an existing solid waste disposal facility in the Town of East Millinocket. The resolve directs the State Planning Office to take those actions.

2. It strikes a provision in the resolve that requires the acquisition agreement to provide that the current owner of the disposal facility and the owner's successors and assigns in the ownership of the pulp and paper mills have the right to dispose of sludge, ash and other wastes generated at the facilities.

## ***Joint Standing Committee on Environment and Natural Resources***

3. It modifies the provision in the resolve requiring the municipal officers of the towns to establish a joint citizen advisory committee by clarifying that a joint citizen advisory committee must be established if the type of waste permitted to be disposed of at the disposal facility changes.
4. It adds a provision that expressly preserves the sovereign immunity of the State with respect to any agreement authorized under the resolve.

### **House Amendment "A" To Committee Amendment "A" (H-635)**

This amendment provides that the State Planning Office may only acquire real estate associated with the solid waste disposal facility by donation and further provides that the donation of real estate associated with the disposal facility is conditioned on the execution of an agreement by a buyer for the acquisition of the pulp and paper mills in the Town of Millinocket and the Town of East Millinocket; the office's endeavoring to identify and implement measures to mitigate the State's closure costs, including the consideration of cost caps on the closure costs; and the office's having received from the buyer an acceptable business plan, including employment projections. The amendment also adds an emergency preamble and emergency clause.

### **Enacted Law Summary**

Resolve 2011, chapter 90 authorizes the Executive Department, State Planning Office to acquire and cause to be operated an existing licensed and generator-owned solid waste disposal facility in the Town of East Millinocket known as the Dolby Landfill. The State Planning Office may only acquire real estate associated with the solid waste disposal facility by donation. The donation of real estate associated with the disposal facility is conditioned on the execution of an agreement by a buyer for the acquisition of the pulp and paper mills; the office's endeavoring to identify and implement measures to mitigate the State's closure costs, including the consideration of cost caps on the closure costs; and the office's having received from the buyer an acceptable business plan, including employment projections. Chapter 90 expressly preserves the sovereign immunity of the State with respect to any agreement authorized under the resolve. Under chapter 90, the municipality in which the disposal facility is located may not regulate the operation of the disposal facility and, if the type of waste permitted to be disposed of at the disposal facility changes, the municipal officials of the Town of East Millinocket and the Town of Millinocket are directed to establish a joint citizen advisory committee regarding the disposal facility. Chapter 90 directs the Executive Department, State Planning Office to submit a report to the Joint Standing Committee on Environment and Natural Resources by February 15, 2012 on the acquisition of the disposal facility and a review of the operations related to the disposal facility.

Resolve 2011, chapter 90 was finally passed as an emergency measure effective June 17, 2011.

### **LD 1575      An Act To Conform the Authority of the Department of Environmental Protection to Federal Law**

**PUBLIC 357  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM   MAJ OTP-AM   MIN	S-201

This bill removes a statutory restriction on a person's serving as Commissioner of Environmental Protection if the person has received a significant portion of income directly or indirectly from license or permit holders or applicants for a license or permit under the Federal Water Pollution Control Act. The bill provides that the commissioner, employees of the Department of Environmental Protection and members of the Board of Environmental Protection may participate in National Pollutant Discharge Elimination System matters to the extent permitted under federal law and permits a commissioner who is restricted from participation to delegate duties to a department employee who is not restricted from participation.



## ***Joint Standing Committee on Environment and Natural Resources***

### **Committee Amendment "A" (S-201)**

This amendment, which is the majority report of the committee, adds a provision that employees who are delegated duties when the Commissioner of Environmental Protection receives or during the previous 2 years has received a significant portion of income from National Pollutant Discharge Elimination System permit holders or applicants must be employees who do not hold major policy-influencing positions at the Department of Environmental Protection. The amendment also adds a provision requiring the Governor to submit a plan for delegating the restricted duties at the time of nomination of a person for the position of Commissioner of Environmental Protection. The amendment also makes it clear that the Commissioner of Environmental Protection is also governed by the conflict-of-interest provisions of the Maine Revised Statutes, Title 5, section 18.

### **Enacted Law Summary**

Public Law 2011, chapter 357 provides that the Commissioner of Environmental Protection may not participate in the review of or act on an application for a National Pollutant Discharge Elimination System permit or the modification, renewal or appeal of a permit under Section 402 of the Federal Water Pollution Control Act if the commissioner receives, or during the previous 2 years has received, a significant portion of income directly or indirectly from NPDES permit holders or applicants. Members of the Board of Environmental Protection are subject to similar restrictions. If the commissioner's authority is restricted, duties related to the restricted matter must be delegated to employees who do not hold major policy-influencing positions at the Department of Environmental Protection. The Governor must submit a plan for delegating the restricted duties at the time of nomination of a person for the position of Commissioner of Environmental Protection. Chapter 357 also makes it clear that the Commissioner of Environmental Protection is also governed by the conflict-of-interest provisions of the Maine Revised Statutes, Title 5, section 18.

Public Law 2011, chapter 357 was enacted as an emergency measure effective June 15, 2011.

*Joint Standing Committee on Environment and Natural Resources*

**SUBJECT INDEX**

*Air quality*

**Not Enacted**

<b>LD 484</b>	<b>An Act To Allow the Burning of Certain Agricultural Products in Outdoor Wood Boilers</b>	<b>MAJORITY (ONTP) REPORT</b>
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*Beverage containers*

**Enacted**

<b>LD 1324</b>	<b>An Act To Create Consistency and Fairness in Maine's Bottle Bill</b>	<b>PUBLIC 429</b>
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**Not Enacted**

<b>LD 666</b>	<b>Resolve, To Reimburse Convenience Stores on a One-time Basis for Beverage Containers</b>	<b>MAJORITY (ONTP) REPORT</b>
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<b>LD 728</b>	<b>An Act To Reduce Truck Travel Caused by the Bottle Redemption Laws</b>	<b>ONTP</b>
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<b>LD 900</b>	<b>An Act To Reduce Fraud in Bottle Deposit Redemption</b>	<b>ONTP</b>
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<b>LD 1063</b>	<b>An Act To Restore Limits on the Location of Licensed Redemption Centers and Improve Operations</b>	<b>ONTP</b>
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<b>LD 1210</b>	<b>An Act To Exempt Small Distributors from Unclaimed Deposit Requirements</b>	<b>ONTP</b>
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<b>LD 1255</b>	<b>Resolve, To Study Initiatives To Increase Recycling in Maine</b>	<b>ONTP</b>
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<b>LD 1417</b>	<b>An Act To Exempt Wine Bottles from Maine's Container Redemption System</b>	<b>ONTP</b>
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*Chemicals*

**Enacted**

<b>LD 412</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection</b>	<b>RESOLVE 25 EMERGENCY</b>
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<b>LD 930</b>	<b>An Act To Clarify Maine's Phaseout of the "Deca" Mixture of Polybrominated Diphenyl Ethers</b>	<b>PUBLIC 160 EMERGENCY</b>
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LD 1129	An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals	PUBLIC 319
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**Not Enacted**

LD 1185	An Act To Amend the Process for Prioritizing Toxic Chemicals in Children's Products	ONTP
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***Department of Environmental Protection***

**Enacted**

LD 862	Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid	RESOLVE 46
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LD 1015	An Act To Reduce Unnecessary Reporting Requirements Related to Natural Resources	PUBLIC 120
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LD 1398	An Act To Amend the Laws Administered by the Department of Environmental Protection	PUBLIC 206 EMERGENCY
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LD 1575	An Act To Conform the Authority of the Department of Environmental Protection to Federal Law	PUBLIC 357 EMERGENCY
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**Not Enacted**

LD 614	An Act To Expedite the Review of Certain Maine Land Use Regulation Commission and Department of Environmental Protection Applications	ONTP
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***Geothermal wells***

**Enacted**

LD 310	Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Maine Water Well Commission	RESOLVE 13 EMERGENCY
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***Lead***

**Not Enacted**

LD 480	Resolve, To Allow Service Stations in Maine To Use Their Inventory of Lead Wheel Weights	MAJORITY (ONTP) REPORT
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***Natural Resources Protection Act***

**Enacted**

LD 49	An Act To Allow Storage of Lobster Traps on Docks	PUBLIC 12
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LD 311	An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits	PUBLIC 65
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LD 387	An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems	PUBLIC 64
LD 411	Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 27 EMERGENCY
LD 1031	An Act To Amend the Laws Governing Significant Wildlife Habitat	PUBLIC 362
LD 1387	An Act To Restore Exemptions in the Natural Resources Protection Act	PUBLIC 205

**Not Enacted**

LD 156	An Act To Clarify the Regulation of Impacts to Significant Vernal Pool Habitats under the Natural Resources Protection Act	ONTP
LD 240	An Act To Allow the Removal of Gravel Bars in the Sandy River	ONTP
LD 256	An Act To Amend the Law Regarding Repairing a Structure in a Coastal Sand Dune System	ONTP
LD 341	An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation	ONTP
LD 442	An Act To Allow Year-round Placement of Cobble-trapping Fences behind Established Seawalls	ONTP
LD 615	An Act To Authorize the Rerouting of Meadow Brook into Toothaker Pond	ONTP
LD 872	An Act To Clarify the Natural Resources Protection Act	MAJORITY (ONTP) REPORT

***Oil - Waste motor oil***

**Enacted**

LD 1434	An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program	PUBLIC 211 EMERGENCY
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**Not Enacted**

LD 1202	An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil	ONTP
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***Oil/Fuel***

**Enacted**

LD 253	Resolve, To Establish a Single Construction Permit for Certain Aboveground Oil Storage Tanks in Gravel Pits and Quarries	RESOLVE 26
LD 671	An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund	PUBLIC 243

LD 721	An Act To Extend the Use of Underground Storage Tanks	PUBLIC 276
LD 1250	An Act To Improve Oil Storage Facility Operator Training	PUBLIC 317

**Not Enacted**

LD 439	Resolve, To Waive the Fine That the Department of Environmental Protection Imposed on Arthur Drolet in Connection with the Removal of Underground Petroleum Storage Tanks	MAJORITY (ONTP) REPORT
LD 680	Resolve, Directing the Commissioner of Environmental Protection To Convene a Task Force To Study the Effect of Additives in Gasoline	ONTP
LD 839	Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel	DIED IN CONCURRENCE
LD 1390	An Act To Revise the Reporting Requirements for Oil Spills	ONTP

***Shoreland zoning***

**Enacted**

LD 552	An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone	PUBLIC 231
LD 1108	An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws	PUBLIC 228

**Not Enacted**

LD 219	An Act To Amend the Laws Governing Shoreland Zoning	MAJORITY (ONTP) REPORT
LD 339	An Act To Prohibit Municipal Ordinances More Stringent than State Guidelines	INDEF PP
LD 434	An Act To Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws	ONTP
LD 733	An Act To Allow a Person Who Has Lost a Home in a Shoreland Zone To Obtain a Building Permit	ONTP
LD 888	An Act To Allow Flexibility under Municipal Shoreland Zoning Ordinances	ONTP

***Site Location of Development***

**Enacted**

LD 159	An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management	PUBLIC 359
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## ***Solid waste***

### **Enacted**

LD 180	Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules	RESOLVE 43 EMERGENCY
LD 262	An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program	PUBLIC 435
LD 1567	Resolve, To Authorize the State To Acquire a Landfill in the Town of East Millinocket	RESOLVE 90 EMERGENCY

### **Not Enacted**

LD 132	Resolve, Directing the Department of Environmental Protection To Convene a Task Force To Develop Initiatives To Reduce Unnecessary Packaging	ONTP
LD 245	An Act To Amend the Laws Governing Waste Processing	ONTP
LD 479	An Act To Prohibit the Burning of Construction and Demolition Debris at Municipal Landfills and Transfer Stations	ONTP
LD 524	An Act To Charge a Fee for Garbage Disposal To Encourage Recycling	ONTP
LD 693	An Act Concerning Solid Waste Facility Citizen Advisory Committees	Carried Over
LD 879	An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste	Carried Over
LD 1278	An Act To Stabilize Solid Waste Management Funding	Carried Over
LD 1320	An Act To Increase the Recycling Rate in Maine	ONTP
LD 1458	An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection	Carried Over

## ***Subdivisions***

### **Not Enacted**

LD 1156	An Act To Exempt from Subdivision Requirements Land Sold by 65 Years of Age or Older Persons	ONTP
LD 1328	Resolve, To Create a Working Group To Study the Subdivision Laws	ONTP

## ***Waste***

### **Enacted**

LD 512	An Act Regarding the Disposition of Mercury-added Lamps	PUBLIC 275
LD 969	Resolve, To Adjust Composting Limits for Farms	RESOLVE 60 EMERGENCY
LD 981	An Act To Increase Recycling Jobs in Maine and Lower Costs for Maine Businesses Concerning Recycled Electronics	PUBLIC 250 EMERGENCY
<u>Not Enacted</u>		
LD 716	An Act To Improve the Recycling Rate of Mercury-added Motor Vehicle Components	LEAVE TO WITHDRAW
LD 1412	An Act To Promote the Proper Disposal of Used Medical Sharps	Carried Over
LD 1433	An Act To Provide for the Recycling or Proper Disposal of Architectural Paint	ONTP

*Water quality*

Enacted

LD 252	An Act To Amend the Laws Governing Aquatic Nuisance Species	PUBLIC 47
LD 333	Resolve, Directing the Department of Environmental Protection To Evaluate and Amend Its Rules Regarding Snow Dumps	RESOLVE 44
LD 515	An Act To Review State Water Quality Standards	PUBLIC 194
LD 1022	An Act To Amend the Law Concerning Overboard Discharge Systems	PUBLIC 121

Not Enacted

LD 154	An Act To Change the Classification of the Lower Androscoggin River	ONTP
LD 261	An Act To Eliminate Combined Sewer Overflows in Maine Waters	MAJORITY (ONTP) REPORT
LD 379	An Act To Stop Unfunded Mandates Concerning Waste Discharge Licenses	ONTP
LD 510	An Act To Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing	ONTP
LD 781	An Act To Establish Flushability Standards for Consumer Products Advertised as Flushable	Carried Over
LD 1009	Resolve, Directing the Department of Environmental Protection To Work with the Town of Sanford To Develop a Plan To Clean Up Number One Pond in Sanford	MAJORITY (ONTP) REPORT

*Windpower - Noise*

**Not Enacted**

**LD 1146**

**Resolve, To Direct the Department of Environmental Protection  
To Adopt Rules Establishing Sound Level Limits for Wind  
Turbines**

**ONTP**



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